

E-filing

**FILED**  
APR - 9 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Tanicia Benjamin

Plaintiff,

vs.

Lawson Roofing Co

Defendant(s).

CASE NO. 08 1009

**SI  
EMPLOYMENT DISCRIMINATION  
COMPLAINT**

1. Plaintiff resides at:

Address 3023 Albany Av Apt 104

City, State & Zip Code Davis CA 95616

Phone (415) 532-5557

2. Defendant is located at:

Address 1495 Tenn. St.

City, State & Zip Code SF CA 94107

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief is sought under 42 U.S.C. Section 2000e-5(g).

4. The acts complained of in this suit concern:

a. ☐ Failure to employ me.

b. ☐ Termination of my employment.

- 1 c. ☐ Failure to promote me.
- 2 d. ☒ Other acts as specified below.

3 Sexual Harassment

4 Retaliation

5

6

7

8

9 5. Defendant's conduct is discriminatory with respect to the following:

- 10 a. ☒ My race or color.
- 11 b. ☐ My religion.
- 12 c. ☒ My sex.
- 13 d. ☐ My national origin.
- 14 e. ☒ Other as specified below.

15 A combination of the foregoing factors. Also Retaliation.

16 6. The basic facts surrounding my claim of discrimination are:

17 I During the summer and fall of 2005, while I was working as an Apprentice Roofer for Lawson Roofing

18 Company, I was sexually harassed by five male coworkers. Mr. Z Munoz exposed his penis and made offensiv

19 comments. Mr. Aviles-Renderos grabbed my crotch on two occasions and told me he was "hot". Mr. Flores-A

20 asked me questions about my genitals and propositioned me for sex. Mr. Soto grabbed by breasts. Mr. Gomez

21 asked if could take a shower with me and said I was getting him sexually aroused. I complained to my

22 employer on January 5, 2006. I was later transferred and my hours were drastically reduced. After Mr. Munoz

23 was discharged, his brother tried to intimidated me. The company said it could only substantiate Munoz's

24 sexual harassment and did nothing about the sexual harassment by my other male co-workers.

25 7. The alleged discrimination occurred on or about Fall 2005 through Jan 2006.

26 (DATE)

27 8. I filed charges with the Federal Equal Employment Opportunity Commission (or the

28 California Department of Fair Employment and Housing) regarding defendant's alleged

1 discriminatory conduct on or about February 21, 2006.

2 (DATE)

3 9. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter  
4 (copy attached), which was received by me on or about January 14, 2008.

5 (DATE)

6 10. Plaintiff hereby demands a jury for all claims for which a jury is permitted:

7 Yes ☒ No ☐

8 11. WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate,  
9 including injunctive orders, damages, costs, and attorney fees.

10  
11 DATED: APRIL 8, 2008

12   
SIGNATURE OF PLAINTIFF

13  
14 (PLEASE NOTE: NOTARIZATION  
15 IS NOT REQUIRED.)

TANICIA BENJAMIN

PLAINTIFF'S NAME

(Printed or Typed)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

# NOTICE OF RIGHT TO SUE (CONCILIATION FAILURE)

To: **Tania Benjamin**  
**3023 Albany Avenue**  
**Apt. 104**  
**Davis, CA 95616**

From: **San Francisco District Office**  
**350 The Embarcadero**  
**Suite 500**  
**San Francisco, CA 94105**



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
<b>550-2006-00307</b>	<b>Michelle L. Nardella,</b> <b>Enforcement Manager</b>	<b>(415) 625-5628</b>

## TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Enclosures(s)

**Michael A. Baldonado,**  
**Acting Director**

1-9-08

(Date Mailed)

cc: **THE LAWSON ROOFING CO.**  
**1495 Tennessee Street**  
**San Francisco, CA 94107**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

550-2006-00307

— **California Department of Fair Employment and Housing** —

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Ms. Tanicia Benjamin**

Home Phone No. (Incl Area Code)

**(415) 532-5557**

Date of Birth

**05-28-1968**

Street Address

City, State and ZIP Code

**8 Elaine Way, Apt. 3, San Rafael, CA 94901**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**THE LAWSON ROOFING CO.**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(415) 285-1661**

Street Address

City, State and ZIP Code

**1495 Tennessee Street, San Francisco, CA 94107**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**10-03-2005**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began working for Respondent in March 2004. My current job title is Apprentice Waterproofer. In Summer and Fall 2005, while working as an Apprentice Roofer for Respondent, I was sexually harassed by five male coworkers. The harassment included sexual comments and conduct. The harassers were Mr. Zeferino Munoz, Mr. Jose Aviles-Renders, Mr. Mario Flores-Avila, Mr. Leobardo Soto, and Mr. Jimmy Gomez. Mr. Munoz exposed his penis to me and made numerous comments and propositions. Mr. Aviles-Renders grabbed my crotch on two occasions and told me he was "hot". Mr. Flores-Avila rubbed my back and shoulders, asked me detailed questions about my genitals, and propositioned me for paid sex. Mr. Soto grabbed my breast. Mr. Gomez asked me if he could take a shower with me and then suggested that I was getting him sexually aroused. I complained to Respondent about the sexual harassment on January 5, 2006. I was transferred to the Waterproofing Division on January 16, 2006. Since working in the Waterproofing Division, my hours have been dramatically reduced. In late January 2006, Mr. Aurelio Fregoso tried to intimidate me after his friend, Mr. Zeferino Munoz, was discharged for sexually harassing me. In early February 2006, Mr. Javier Munoz, a current employee and the brother of Mr. Zeferino Munoz, attempted to intimidate me after his brother was discharged for sexually harassing me. I complained Respondent about this intimidation.

Respondent claims that they were only able to substantiate the fact that Mr. Zeferino Munoz exposed his genitals to me. Mr. Munoz was terminated on January 12, 2006. Respondent alleges that they were unable to substantiate the my allegations regarding Mr. Aviles-Renders, Mr. Flores-Avila, and Mr. Soto. Respondent has provide no feedback regarding my allegations involving Mr. Gomez. Respondent has provided me with no feedback regarding Mr. Fregoso's attempt to intimidate me. Respondent stated that since Mr. Javier Munoz attempted to intimidate me outside the workplace, they would be unable to address that issue. Respondent's stated reason for my reduced work hours was that work is slow.

I believe I have been discriminated against by Respondent based on my sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I have been retaliated against by Respondent for engaging in protected activity.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Feb 21, 2006

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

FEB 21 2006

SUBSCRIBED AND SWORN TO BEFORE ME

(month, day, year)

EEOC-SFDO

SUPPLEMENTAL AND AMENDED CHARGE OF DISCRIMINATION  
OF TANICIA BENJAMIN

This Supplemental and Amended Charge of Discrimination supplements, amends and incorporates by reference my original Charge of Discrimination, No. 550-2006-00307, alleging discrimination based on my gender (female) and retaliation for engaging in protected activities which was filed on or about February 21, 2006 with the San Francisco District Office of the EEOC. It supplements my original Charge by providing additional information regarding the discrimination and retaliation I experienced by The Lawson Roofing Company. This supplements my original charge by providing additional information about the sexual discrimination and retaliation I experienced while working for Lawson Roofing Company. It also adds race as a factor in the discrimination and retaliation I experienced while working for this company.

Retaliation for Reporting Sexual Harassment

While I was working for Lawson Roofing Company, I was assigned a changing room separate from the male employees. Soon after I complained about sexual harassment, the changing room was locked with all my personal belongings inside. Even though I requested that this room be open, it took two days to open it. This left me without a changing room and without my personal belongings which were locked in the room. I believe that this action was in retaliation for reporting the sexual harassment I experienced in the workplace.

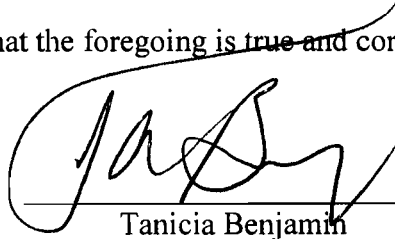
Additionally, while I was working on the job site, I was called to a meeting with Dan Siri, Steve Tucker, and Frank Lawson—the president of Lawson Roofing Company—on or about January 10, 2006 to discuss the sexual harassment I experienced. After this meeting, I was forced to sign a document that my employer alleged was a valid record of the events that took place at the meeting. I was given no opportunity to review or verify the content of this document. I



signed this document out of fear that if I did not sign it, I would lose my job. I do not believe that the entire content of this document is accurate. I believe that I was forced to sign this document in retaliation for reporting sexual harassment.

Based on my observations of African-American men who worked at the Lawson Roofing Company, I believe that the discrimination and retaliation I experienced may have also been based on my race (African American) since African-American co-workers were also subjected to disparate treatment from the Caucasian and other workers.

I declare under penalty of perjury that the foregoing is ~~true~~ and correct.



Tanicia Benjamin

Executed this 9<sup>th</sup> day of November, 2006 in San Francisco, California.

UCSF MEDICAL CENTER

PT NAME: BENJAMIN, TANICIA  
UNIT # 1181305-4  
DOB: 05/28/1968 SEX: F  
DOCUMENT # 1083062 Signed  
VISIT # 11213680

DIVISION OF INTERNAL MEDICINE  
Screening and Acute Care Clinic  
400 Parnassus Avenue  
First Floor

San Francisco, California 94143

Tel: (415) 353-2602

Fax: (415) 353-2699

DATE OF SERVICE: 02/22/2006

This is an established patient.

CHIEF COMPLAINT: Abdominal pain.

HISTORY OF PRESENT ILLNESS: This 37-year-old woman formerly worked as a roofer. She pulled back on a rope one time and fell backwards, and since then has had some low abdominal pain. She denies vaginal bleeding. No menstrual irregularities. No nausea, vomiting or diarrhea. No anorexia.

PAST MEDICAL HISTORY: None.

MEDICATIONS: None.

ALLERGIES: NONE.

FAMILY HISTORY: Noncontributory to this illness.

SOCIAL HISTORY: No tobacco or alcohol consumption.

REVIEW OF SYSTEMS: CONSTITUTIONAL: No weight loss. HEENT: No pharyngitis or sinusitis. CARDIOVASCULAR: No chest pain or palpitations.

All other systems reviewed and are negative.

PHYSICAL EXAMINATION

VITAL SIGNS: Temperature 99.3, blood pressure 126/68, heart rate 92, respirations 18.

CONSTITUTIONAL: Well-nourished, well-developed.

HEENT: No pharyngitis or sinusitis.

NECK: Supple, without adenopathy.

CHEST: Clear to auscultation and percussion.

ABDOMEN: Soft. There is minimal tenderness to palpation over the right and left quadrants. No rebound, no peritoneal signs.

Urinalysis, done by me and reviewed by me, shows moderate blood. Urine pregnancy test, done by me and reviewed by me, is negative.

ASSESSMENT AND PLAN: Pelvic pain. This may represent a strain injury. I went ahead and ordered a pelvic ultrasound and gave her some Indocin for pain. She will return if symptoms worsen or persist.

CARBON COPIES:

DICTATED BY: Paul L. Nadler, MD 37207  
Electronically Signed by  
Paul L. Nadler, MD 02/24/2006 15:18

ATTENDING PHYSICIAN: Paul L. Nadler, MD 37207

D: 02/22/2006 7:31 P

T: 02/23/2006 8:01 A pro CS#: 1083062





Community Health Network  
San Francisco General Hospital  
Medical Center

NAME: MC PENNING 560  
DOB: BENJAMIN, TANICA  
01/28/1968 F 00226265 D URC  
MRN: 22626500130  
PCP: 528/08  
04/03/06

## TREATMENT RECORD - URGENT CARE

Page 1

Patient ID / Addressograph

Date: 4/3/06 Time in: Triage time: 1/47		Primary Care Provider:	
NAME: Benjamin, Tanica		Location:	
CHIEF COMPLAINT: Fall 7.25 Spiral fracture of right radius and ulna.		LAST TETANUS: 1/04 LKMP: 7/3/00	
PERTINENT NEGATIVES:		ALLERGIES:	
PAIN SCREEN (0-10): 10		PERTINENT MEDICAL HISTORY:	
TIME: 1/51 BP: 130/85 P: 100 <input type="checkbox"/> Lay <input type="checkbox"/> Stand <input type="checkbox"/> Sit R: 100 T: 8.1		TIME: BP: P: <input type="checkbox"/> Lay <input type="checkbox"/> Stand <input type="checkbox"/> Sit R: T:	
<input type="checkbox"/> TO ED <input type="checkbox"/> AMA <input type="checkbox"/> LWBS <input type="checkbox"/> NURSE VISIT		TRIAGE RN SIGNATURE: [Signature] <input type="checkbox"/> UCC <input type="checkbox"/> FHC	
SUBJECTIVE: 37yo F for Urg Care Drops 10ft - persistent pain, swelling, pain below elbow, pain in elbow on job. No other injury. Heavy work for 10 years. No more work. Fell back on work. Landed carrying box of the fall. Body pain since. Not managed to keep injury since. Had to go to UC to come.		LAB RESULTS:	
OBJECTIVE: Ant UIS - 2 mm on right. VCS NAD		X-RAY RESULTS:	
Plan (see First Report)		ASSESSMENT:	
DISCHARGE DIAGNOSIS:		PLAN: PT MSAIDS Tycos 3 Precautions Hip insurance / get PCP. GYN ORH 2/08 4/17.	
PROVIDER NAME (PRINT): [Signature]		PROVIDER SIGNATURE: [Signature]	

STATE OF  
CALIFORNIA

## DOCTOR'S FIRST REPORT OF OCCUPATIONAL INJURY OR ILLNESS

Within 5 days of your initial examination, for every occupational injury or illness, send this report to insurer or employer (only if self-insured). Failure to file a timely doctor's report may result in assessment of a civil penalty. In the case of diagnosed or suspected pesticide poisoning, send one copy of this report directly to the Division of Labor Statistics and Research, P.O. Box 603, San Francisco CA 94101, and notify your local health officer by telephone within 24 hours and by sending a copy of this report within seven days. For a supply of this form, please call (415) 557-1926.

1. INSURER NAME AND ADDRESS		0572871968		PLEASE DO NOT USE THIS CASE NO.	
2. EMPLOYER NAME		22626500130		04/03/06	
3. Address: No. and Street		City		Industry	
495 TENNESSEE ST.		San Fran		CA 94134	
Nature of business (e.g., food manufacturing, building construction, retailer of women's clothes)		County			
ROOFERS CONSTRUCTION					
5. PATIENT NAME (First name, middle initial, last name)		6. Sex		7. Date of Birth	
TANICA L. BENJAMIN		Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>		05. 28. 68	
8. Address: No. and Street		City		9. Telephone number	
8 Elaine Way		San Rafael		94901 (415) 532-5557	
10. Occupation (Specific job title)		11. Social Security Number		Disease	
		670 -17-0764			
12. Injured at: No. and Street		City		County	
4TH E BERRY		San Fran		SF	
13. Date and hour of injury or onset of illness		Mo. Day Yr.		14. Date last worked	
10. 7. 05		a.m. p.m.		Mo. Day Yr.	
15. Date and hour of first examination or treatment		Mo. Day Yr.		16. Have you (or your office) previously treated patient?	
		a.m. p.m.		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Patient please complete this portion, if able to do so. Otherwise, doctor please complete immediately. Inability or failure of a patient to complete this portion shall not affect his/her rights to workers compensation under the California Labor Code.

17. DESCRIBE HOW THE ACCIDENT OR EXPOSURE HAPPENED (Give specific object, machinery or chemical. Use reverse side if more space is required.)

ON OCTOBER 7TH SHORTLY AFTER LUNCH WAS OVER, I BEGAN MY REGULAR WORK ROUTINE WHICH IS WAS

18. SUBJECTIVE COMPLAINTS (Describe fully. Use reverse side if more space is required.)

Persistent back pain + bilateral wrist pain slp fall 10/05

19. OBJECTIVE FINDINGS (Use reverse side if more space is required.)

A. Physical examination Spine: good ROM, no point TTP. mild paraspinal tenderness of T + L spine bil. Neuro: non focal. UE WNL, neuro intact.

B. X-ray and laboratory results (State if none or pending.) None.

20. DIAGNOSIS (If occupational illness, specify etiologic agent and duration of exposure.) Chemical or toxic compounds involved? ☐ Yes ☒ No

Strain injury, back pain, wrist pain

21. Are your findings and diagnosis consistent with patient's account of injury or onset of illness? ☒ Yes ☐ No

If "no", please explain.

22. Is there any other current condition that will impede or delay patient's recovery? ☐ Yes ☒ No

If "yes", please explain.

23. TREATMENT RENDERED (Use reverse side if more space is required.)

Physical Therapy referral

If further treatment required, specify treatment.

24. If hospitalized as inpatient, give hospital name and location. Date admitted Mo. Day Yr. Estimated stay

25. WORK STATUS Is patient able to perform usual work? ☐ Yes ☐ No

If "no", patient can return to: Mo. Day Yr.

Regular work \_\_\_\_\_

Modified work \_\_\_\_\_ Specify restrictions \_\_\_\_\_

Doctor's Signature Avon M. Del Tredici Date 4/3/06

Doctor Name and Degree (Please Type) Avon M. Del Tredici, MD

Address 1001 Potrero Ave. #45 San Francisco CA 94110

CA License Number A76302

IRS Number \_\_\_\_\_

Telephone Number (415) 206-8052



State of California  
Department of Industrial Relations  
DIVISION OF WORKERS' COMPENSATION



Estado de California  
Departamento de Relaciones Industriales  
DIVISION DE COMPENSACIÓN AL TRABAJADOR

# WORKERS' COMPENSATION CLAIM FORM (DWC 1)

# PETITION DEL EMPLEADO PARA DE COMPENSACIÓN DEL TRABAJADOR (DWC 1)

**Employee:** Complete the "Employee" section and give the form to your employer. You will receive the signed and dated copy from your employer. You may call the Division of Workers' Compensation and hear recorded information at (800) 736-7401. An explanation of workers' compensation benefits is included as the cover sheet of this form.

**Empleado:** Complete la sección "Empleado" y entregue la forma a su empleador. Quedese con la copia designada "Recibo Temporal del Empleado" hasta que Ud. reciba la copia firmada y fechada de su empleador. Ud. puede llamar a la División de Compensación al Trabajador al (800) 736-7401 para oír información grabada. En la hoja cubierta de esta forma esta la explicación de los beneficios de compensación al trabajador.

You should have received a pamphlet from your employer describing workers' compensation benefits and the procedures to obtain them.

Ud. también debería haber recibido de su empleador un folleto describiendo los beneficios de compensación al trabajador lesionado y los procedimientos para obtenerlos.

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits is guilty of a felony.

Toda aquella persona que a propósito haga o cause que se produzca cualquier declaración o representación material falsa o fraudulenta con el fin de obtener o negar beneficios o pagos de compensación a trabajadores lesionados es culpable de un crimen mayor "felonía".

Employee—complete this section and see note above. Empleado—complete esta sección y note la notación arriba.

Name. Nombre. ANILCA BENJAMIN Today's Date. Fecha de Hoy. 4/5/06  
Home Address. Dirección Residencial. 8 Elaine Way  
City. Ciudad. SAN RAFAEL State. Estado. Ca Zip. Código Postal. 94901  
Date of Injury. Fecha de la lesión (accidente). 10 7 05 Time of Injury. Hora en que ocurrió. 1 a.m. X p.m.  
Address and description of where injury happened. Dirección/lugar dónde ocurrió el accidente. 261 BERRY STREET  
6. Describe injury and part of body affected. Describa la lesión y parte del cuerpo afectada. FELL DOWN PULLING ROPE THATS ATTACHED TO KENTH ROPE BROKE. BOTH WRISTS ARE IN PAIN. A LOT OF STRENGTH WHEN LIFTING AND CARRYING MATERIALS BACK AND  
7. Social Security Number. Número de Seguro Social del Empleado. 570-17-0764  
8. Signature of employee. Firma del empleado. Jo Ben

Employer—complete this section and see note below. Empleador—complete esta sección y note la notación abajo.

## The Lawson Roofing Co., Inc.

9. Name of employer. Nombre del empleador. 1495 Tennessee Street  
10. Address. Dirección. SAN FRANCISCO, CA 94107  
11. Date employer first knew of injury. Fecha en que el empleador supo por primera vez de la lesión o accidente. 4/5/06  
12. Date claim form was provided to employee. Fecha en que se le entregó al empleado la petición. 4/5/06  
13. Date employer received claim form. Fecha en que el empleado devolvió la petición al empleador. 4/5/06  
14. Name and address of insurance carrier or adjusting agency. Nombre y dirección de la compañía de seguros o agencia administradora de seguros. CNA (415) 932-7500  
15. Insurance Policy Number. El número de la póliza de Seguro. 250818827  
16. Signature of employer representative. Firma del representante del empleador. [Signature]  
17. Title. Título. OFFICE MANAGER 18. Telephone. Teléfono. 415-225-1661

**Employer:** You are required to date this form and provide copies to your insurer or claims administrator and to the employee, dependent or representative who filed the claim within one working day of receipt of the form from the employee.

**Empleador:** Se requiere que Ud. feche esta forma y que provée copias a su compañía de seguros, administrador de reclamos, o dependiente/representante de reclamos y al empleado que hayan presentado esta petición dentro del plazo de un día hábil desde el momento de haber sido recibida la forma del empleado.

SIGNING THIS FORM IS NOT AN ADMISSION OF LIABILITY

EL FIRMAR ESTA FORMA NO SIGNIFICA ADMISION DE RESPONSABILIDAD

☐ Employer copy/Copia del Empleador ☒ Employee copy/Copia del Empleado

☐ Claims Administrator/Administrador de Reclamos ☐ Temporary Receipt/Recibo del Empleado

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

121 Spear Street, Suite 430  
San Francisco, CA 94105  
(415) 904-2303 FAX (415) 904-2310



May 13, 2005

Ms. Tanicia Latonya Benjamin  
471 Sawyer Street  
San Francisco, CA 94134

RE: HIRSCH/Lawson Roofing Company, Inc.

Dear Ms. Benjamin:

I am a consultant assigned to investigate the complaint, cited above. I would like to discuss with you the employment situation at Lawson Roofing Company.

I have attempted to contact you by telephone at your home number and left a message on your phone machine. Please contact me as soon as possible at (415) 904-2313. If you are unable to reach me, please leave a phone message on the best time to contact you and an alternative phone number (if any) and/or contact the receptionist at 415 904-2306 and request that she physically locate me.

Thank you in advance for your cooperation and expeditious action in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Brenda L. Nicolasi'.

BRENDA L. NICOLASI  
Consultant

Bln/

CALIFORNIA DEPARTMENT OF CORRECTIONS

**CERTIFICATE OF DISCHARGE**

Benjamin, Tanicia

W80738

Name

April 27, 2003

Number

Date

The above-named person has been discharged from the jurisdiction of the California Department of Corrections on all existing felony commitments as of this date.

DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA

The card at left is your Certificate of Discharge which is to be kept in your possession. As an ex-felon you are prohibited from certain activities. The back of the card lists the telephone numbers of the Regional Parole Offices. If you have any questions regarding your legal status or responsibilities as an ex-felon, you may contact one of the offices listed.

*The card is removed by tearing along the perforated lines.*

SF3

An ex-felon becomes eligible to vote after being discharged from parole. You may obtain a Voter Registration Card by contacting the Elections Division of the California Secretary of State's Office at (800) 345-VOTE (800-345-8683).

Your successful re-entry into the community is our wish. We congratulate you on the discharge of your commitment to the California Department of Corrections.

  
DIRECTOR OF CORRECTIONS

**PAROLE REGIONAL OFFICE  
TELEPHONE NUMBERS**

Region I	Sacramento.....	916-255-2758
Region II	Oakland.....	510-622-4701
Region III	Los Angeles.....	213-897-1001
Region IV	Diamond Bar.....	909-468-2300



OSP 99 24938



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**San Francisco District Office**

350 The Embarcadero, Suite 500

San Francisco, CA 94105

(415) 625-5600

TDD (415) 625-5610

FAX (415) 625-5609

February 14, 2008

Ms. Tanicia Benjamin  
3023 Albany Avenue  
Apartment 104  
Davis, CA 95616

RE: Tanicia Benjamin vs. The Lawsn Roofing Company  
EEOC Charge Number 550-2006-00307

Dear Ms. Benjamin:

We are sending a complete copy of the file pursuant to your request and the Commission's procedures. The copies are true and correct copies of the documents in the EEOC's investigative file.

If you have any questions, please call me at (415) 625-5602.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Nardella', with a long horizontal line extending to the right.

Michelle Nardella  
Compliance Manager

Enclosure  
rr

64157 GRU

NICIA L BENJAMIN  
SAWYER ST  
SAN FRANCISCO, CA 94134

DATE 4/15/08

591

4/15/08 12:10 291

Pay to the order of *Seven dtrs* \$ *7.05*

Bank of America

VALUED Customer Since 2002

FOR

1: 1210003581:0591:02910:05024:11

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## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## AGREEMENT OF NONDISCLOSURE

Pursuant to Section 705g(1) of Title VII, the EEOC shall have power to cooperate with private individuals in order to accomplish the purposes of Title VII. This same authority also applies to actions under the Americans with Disabilities Act.

## PERSON REQUESTING DISCLOSURE

<input checked="" type="checkbox"/> CHARGING PARTY	<input type="checkbox"/> RESPONDENT	<input type="checkbox"/> AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED	<input type="checkbox"/> AGGRIEVED PERSON IN COMMISSIONER CHARGE	<input type="checkbox"/> NAMED PARTY IN CLASS ACTION
<input type="checkbox"/> ATTORNEY REPRESENTING	<input type="checkbox"/> RESPONDENT	<input type="checkbox"/> AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED	<input type="checkbox"/> AGGRIEVED PERSON IN COMMISSIONER CHARGE	<input type="checkbox"/> NAMED PARTY IN CLASS ACTION

CHARGE NUMBER(S) OF FILE(S) TO BE DISCLOSED

550 2006-00307

## STATEMENT

I Antonia Benjamin request disclosure of Commission case file(s) in

(Typed name)

connection with contemplated or pending litigation. I agree that the information disclosed to me will not be made public or used except in the normal course of a civil action or other proceeding instituted under Title VII or the Americans with Disabilities Act involving such information.

In witness whereof, this agreement is entered into as of the 14<sup>th</sup> day of FEBRUARY 2008

by the Equal Employment Opportunity Commission representative named below and the person requesting disclosure.

[Signature] (415) 532-6557  
Person requesting disclosure (Signature and telephone number/area code)

2023 Albany Ave #104 Davis, CA 94601  
Complete address

Michelle Nardella, Compliance Manager

EEOC representative (Signature and title)

**RECEIVED**

FEB 04 2008

EEOC-SFDO

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**San Francisco District Office**

San Francisco, CA 94105  
(415) 625-5600  
TTY (415) 625-5610  
FAX (415) 625-5609

350 The Embarcadero, Suite 500

February 13, 2007

Ms. Tanicia Benjamin  
3023 Albany Avenue  
Apartment 104  
Davis, CA 95616

RE: Tanicia Benjamin vs. The Lawson Roofing Company  
EEOC Charge Number 550-2006-00307

Dear Ms. Benjamin:

I am in receipt of your request for Disclosure in the above referenced case file. Our regulations provide for the guarantee by any party who review the case file that the information disclosed will not be made public or used except in the normal course of a civil action or their proceeding instituted under the laws that we enforce.

Please sent a check or money order, made payable to the "U.S. Equal Employment Opportunity Commission," in the amount of \$7.05. This fee covers \$0.15 per page for copying (147 pages); the first 100 pages of duplication are provide without charge.

Upon receipt of the check we will mail you the copy of the file. If you have any questions, please call Rosario Reyes at (415) 625-5600.

Sincerely,

Michelle Nardella  
Compliance Manager

## CASE LOG

Date	Action	Entered By
11/21	Interview of CRA employees They will bring up to the office for an interview. Possible dates = 12/18-12-18-19	Y
12/4	Interview of CP set for 12/18	
12/18	Reset for 1/9	
12/12	Received supplemental response from R	Y
1/9	Interview of CP	Y
1/11	Consult w/ attorney	Y
1/29	Msg to CP's atty - any amount for damages yet?	Y
2/7/07	Left msg for CP's rep to call me	Y
2/7	CP's rep called me her info soon. Will call tomorrow with a firm date	Y
2/9	Received CP's documents	Y
3/13	Left msg for CP's rep	Y
3/13	Interview of CP's rep re: damages	Y
3/15	CP will get me documents by end of next week.	Y
7/5/07	TC w/ CP's rep - Deborah -	Y
7/5/07	msg to R - settled?	Y
7/6	R is OK w/ it	
7/31	Case to legal units for review	Y
8/29	Case forwarded for review	Y
9/17/07	Case LOD sent to CP & R, CPA & RA	MRN
9/17	DE's rep. re: rev.	Y
1/08/07	Mailed false conciliation letters to CP & R and referred charge to Legal	Y
1-9-08	Mailed <del>timed</del> Notice to Right to Sue to CP & R	MC

# **CASE LOG** (Continue on Reverse)

CHARGE NO.	RESPONDENT	CHARGING PARTY
550-700-0307	The Lewman Roofing Co	Tanica Benjamin
DATE	ACTION	ENTERED BY:
	PCP: WALK-IN _____ MAIL _____ PHONE _____	
	INTAKE ASSIGNED: EI E2 EOA E3 CR/TIU E4 FAA LEGAL	
	INTAKE OFFICER ACTION	
04/9/06	RFI Rec'd. transferred to RP.	mm.
4/20/06	Brought to us	PO
8/9	Left msg for CP to call me. Her atty called & will set up appt. to talk to me after Labor Day. She will mail a letter of explanation for the no.	Y
11/13	Received letter from CP's atty	Y
11/16	Left msg for atty to call me.	Y
11/16	Completed w/ Pisk	Y
11/22	RFI to R - due 11/30/06 12/14/06	Y
11/30	CP's atty wants phone call on 11/28/06	Y
11/28	Left msg for atty: I'm available 11/29	Y
02/21/07	CHARGE SIGNED:	TAM
	CHARGE RC'd CR/TIU	
	CHARGE DOCKETED	
02-23-06	131 "Notice of Charge" with CA-DFEH Dismissal Notice Served on Respondent with RFI	Am
02-23-06	CP mailed a copy of charge w/CA-DFEH Dismissal Notice	
	Charge sent to CR/TIU Supervisor for Review	
	CHARGE ASSIGNED FOR PROCESSING ENF. MEDIATION	
	CHARGE FILE DELIVERED TO UNIT FOR PROCESSING	
	RFI RECEIVED	
	ASSIGNED TO:	



EEOC Form 161-A (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

# NOTICE OF RIGHT TO SUE (CONCILIATION FAILURE)

To: **Tania Benjamin**  
**3023 Albany Avenue**  
**Apt. 104**  
**Davis, CA 95616**

From: **San Francisco District Office**  
**350 The Embarcadero**  
**Suite 500**  
**San Francisco, CA 94105**



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
<b>550-2006-00307</b>	<b>Michelle L. Nardella,</b> <b>Enforcement Manager</b>	<b>(415) 625-5628</b>

## TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



**Michael A. Baldonado,**  
**Acting Director**

1-9-08

(Date Mailed)

Enclosures(s)

cc: **THE LAWSON ROOFING CO.**  
**1495 Tennessee Street**  
**San Francisco, CA 94107**

Enclosure with EEOC  
Form 161-A (3/98)

## INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)*

### PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

### PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02** -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

### ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

### ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**San Francisco District Office**

350 The Embarcadero, Suite 500  
San Francisco, CA 94105-1260  
(415) 625-5600  
TTY (415) 625-5610  
FAX (415) 625-5609  
Toll Free (800) 669-4000

William F. Terheyden  
Littler Mendelson  
650 California Street, 20<sup>th</sup> Floor  
San Francisco, CA 94108-2693

Re: Benjamin v. Lawson Roofing Company  
Charge No. 550-2006-00307

Dear Mr. Teryheyden:

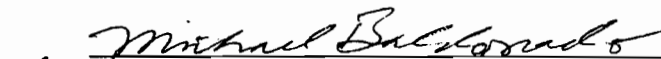
To date, we have not been able to secure an agreement to provide relief for the violation identified in the Commission's Letter of Determination. Therefore, it is now determined that efforts to conciliate these charges as required by our procedures and policies have been unsuccessful. This letter constitutes the notice required by Section 1601.25 of EEOC's Procedural Regulations, which provides that the Commission shall notify respondent in writing when it determines that further conciliation efforts would be futile or non-productive.

Accordingly, we are forwarding the case to our Regional Attorney for litigation review. If you have any questions, you may contact Mr. William Tamayo, Regional Attorney, at the above address and telephone number (415) 625-5645.

On Behalf of the Commission:

**NOV - 8 2007**

Date

  
H. Joan Ehrlich  
District Director



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**San Francisco District Office**

350 The Embarcadero, Suite 500  
San Francisco, CA 94105  
(415) 625-5601  
TTY (415) 625-5610  
FAX (415) 625-5609  
TOLL FREE (800) 669-4000

Tanicia Benjamin  
c/o Debra A. Smith  
Equal Rights Advocates  
1663 Mission Street, Suite 250  
San Francisco, CA 94103

Re: Benjamin v. Lawson Roofing Company  
Charge No. 550-2006-00307

Dear Ms. Benjamin:


The Commission has determined that efforts to conciliate the above-referenced case have been unsuccessful. Accordingly, the case has been transferred to the Regional Attorney, San Francisco District Office, for review to determine whether the Commission will bring a civil action in Federal District Court based on the charge of discrimination. A determination should be forthcoming in the near future.

If the Commission decides to bring a civil suit, you have the right to intervene in such an action. If the Commission decides that it will not bring a civil action based on your charge, you will be notified and sent a Notice of Right to Sue, which will entitle you to sue the Respondent in Federal District Court.

If you have any questions regarding your case, please contact William Tamayo, Regional Attorney, at (415) 625-5645.

On behalf of the Commission:

NOV - 8 2007  
Date

  
H. Joan Ehrlich  
District Director



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**San Francisco District Office**

350 The Embarcadero, Suite 500  
San Francisco, CA 94105-1260  
(415) 625-5600  
TTY (415) 625-5610  
FAX (415) 625-5609  
Toll Free (800) 669-4000

Charge No. 550-2006-00307

Tanicia Benjamin  
8 Elaine Way, Apt. 3  
San Rafael, CA 94901

Charging Party

The Lawson Roofing Co., Inc.  
1495 Tennessee Street  
San Francisco, CA 94107

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the charge filed under Title VII of the Civil Rights Act of 1964, as amended. All jurisdictional requirements have been met.

Charging Party alleges that she was subjected to sexual harassment, then reassigned in retaliation for complaining about the harassment.

Respondent states that after Charging Party complained about sexual harassment, it investigated the allegation and took immediate and appropriate action to stop the harassment. Respondent states that Charging Party agreed to be transferred to the coating department at the same rate of pay.

The investigation disclosed that Charging Party complained about having been sexually harassed by her male coworkers. Respondent took immediate and appropriate action to stop the harassment, but then transferred Charging Party from the roofing to the coating department. After the transfer, Charging Party earned less money as a result of being assigned fewer hours in the coating department than she would have been assigned to work in the roofing department.

Based upon the evidence, I have determined that there is reasonable cause to believe that Respondent transferred Charging Party in retaliation for her engaging in protected activity. Evidence fails to show a violation of Title VII based on sexual harassment.



Tanicia Benjamin v. The Lawson Roofing Co.

550-2006-00307

Page 2

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended (Title VII), requires that if the Commission determines that there is reasonable cause to believe that a violation has occurred, it shall endeavor to eliminate the alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that a violation has occurred, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter.

A representative of the Commission will contact you in the near future to begin the conciliation process. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's Procedural Regulations. When the Respondent declines to enter into settlement discussions, or when the Commission's representative for any other reason is unable to secure a settlement acceptable to the Office Director, the Director shall so inform the parties in writing.

You are reminded that Federal Law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

9/17/07  
DATE

  
for H. Joan Ehrlich  
District Director



EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC
**550-2006-00307****California Department of Fair Employment and Housing**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Ms. Tanicia Benjamin**

Home Phone No. (Incl Area Code)

**(415) 532-5557**

Date of Birth

**05-28-1968**

Street Address

City, State and ZIP Code

**8 Elaine Way, Apt. 3, San Rafael, CA 94901**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**THE LAWSON ROOFING CO.**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(415) 285-1661**

Street Address

City, State and ZIP Code

**1495 Tennessee Street, San Francisco, CA 94107**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**10-03-2005**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began working for Respondent in March 2004. My current job title is Apprentice Waterproofer. In Summer and Fall 2005, while working as an Apprentice Roofer for Respondent, I was sexually harassed by five male coworkers. The harassment included sexual comments and conduct. The harassers were Mr. Zeferino Munoz, Mr. Jose Aviles-Renderos, Mr. Mario Flores-Avila, Mr. Leobardo Soto, and Mr. Jimmy Gomez. Mr. Munoz exposed his penis to me and made numerous comments and propositions. Mr. Aviles-Renderos grabbed my crotch on two occasions and told me he was "hot". Mr. Flores-Avila rubbed my back and shoulders, asked me detailed questions about my genitals, and propositioned me for paid sex. Mr. Soto grabbed my breast. Mr. Gomez asked me if he could take a shower with me and then suggested that I was getting him sexually aroused. I complained to Respondent about the sexual harassment on January 5, 2006. I was transferred to the Waterproofing Division on January 16, 2006. Since working in the Waterproofing Division, my hours have been dramatically reduced. In late January 2006, Mr. Aurelio Fregoso tried to intimidate me after his friend, Mr. Zeferino Munoz, was discharged for sexually harassing me. In early February 2006, Mr. Javier Munoz, a current employee and the brother of Mr. Zeferino Munoz, attempted to intimidate me after his brother was discharged for sexually harassing me. I complained Respondent about this intimidation.

Respondent claims that they were only able to substantiate the fact that Mr. Zeferino Munoz exposed his genitals to me. Mr. Munoz was terminated on January 12, 2006. Respondent alleges that they were unable to substantiate the my allegations regarding Mr. Aviles-Renderos, Mr. Flores-Avila, and Mr. Soto. Respondent has provide no feedback regarding my allegations involving Mr. Gomez. Respondent has provided me with no feedback regarding Mr. Fregoso's attempt to intimidate me. Respondent stated that since Mr. Javier Munoz attempted to intimidate me outside the workplace, they would be unable to address that issue. Respondent's stated reason for my reduced work hours was that work is slow.

I believe I have been discriminated against by Respondent based on my sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe I have been retaliated against by Respondent for engaging in protected activity.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Feb 21, 2006**

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

**RECEIVED**

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

**FEB 21 2006**

SUBSCRIBED AND SWORN TO BEFORE ME (month, day, year)

**EEOC-SFDO**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Prescribed To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

550-2006-00307

**California Department of Fair Employment and Housing**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Ms. Tanicia Benjamin**

Home Phone No. (Incl Area Code)

**(415) 532-5557**

Date of Birth

**05-28-1968**

Street Address

City, State and ZIP Code

**8 Elaine Way, Apt. 3, San Rafael, CA 94901**

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Name

**THE LAWSON ROOFING CO.**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(415) 285-1661**

Street Address

City, State and ZIP Code

**1495 Tennessee Street, San Francisco, CA 94107**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**10-03-2005**☐ CONTINUING ACTION

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I declare under penalty of perjury that the above is true and correct.

Feb 21, 2006

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

FEB 21 2006

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

EEOC-SFDO

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

EEOC NUMBER: 550-2006-00307

☐ 1001 Tower Way, Suite 250  
Bakersfield, CA 93309  
(661) 395-2729

H

CASE NAME : TANICIA BENJAMIN v.  
THE LAWSON ROOFING CO.

DATE : February 23, 2006

☐ 1320 E. Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4760

C

**NOTICE TO COMPLAINANT AND RESPONDENT**

☐ 611 West Sixth Street, Suite 1500  
Los Angeles, CA 90017  
(213) 439-6799

S/T

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ 1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2941

M

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120  
Sacramento, CA 95814  
(916) 445-5523

E

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐ 1350 Front Street, Suite 3005  
San Diego, CA 92101  
(619) 645-2681

D

**NOTICE TO COMPLAINANT OF RIGHT-TO-SUE**

☒ San Francisco District Office  
1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2973

A

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ 111 North Market Street, Suite 810  
San Jose, CA 95113  
(408) 277-1277

G

☐ 2101 East Fourth Street, Suite 255-B  
Santa Ana, CA 92705  
(714) 558-4266

K

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY  
Chief Deputy Director



EEOC FORM 131 (5/01)

## U.S. Equal Employment Opportunity Commission

<b>Mr. Frank E. Lawson, Jr.</b> <b>President</b> <b>THE LAWSON ROOFING CO.</b> <b>1495 Tennessee Street</b> <b>San Francisco, CA 94107</b>	PERSON FILING CHARGE
	<b>Tancia Benjamin</b>
	THIS PERSON (check one or both) <input checked="" type="checkbox"/> Claims To Be Aggrieved <input type="checkbox"/> Is Filing on Behalf of Other(s)
EEOC CHARGE NO. <b>550-2006-00307</b>	

## NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- ☒ Title VII of the Civil Rights Act
 ☐ The Americans with Disabilities Act  
☐ The Age Discrimination in Employment Act
 ☐ The Equal Pay Act

The boxes checked below apply to our handling of this charge:

- ☐ No action is required by you at this time.
- ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.
- ☒ Please provide by **23-MAR-06** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- ☒ Please respond fully by **23-MAR-06** to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- ☐ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to

If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

**Terry G. Knapp**  
**Office Automation Asst**

EEOC Representative

Telephone **(415) 625-5667**

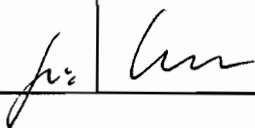
**San Francisco District Office - 550**  
**350 The Embarcadero**  
**Suite 500**  
**San Francisco, CA 94105**

Enclosure(s): ☒ Copy of Charge

## CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☐ RACE
 ☐ COLOR
 ☒ SEX
 ☐ RELIGION
 ☐ NATIONAL ORIGIN
 ☐ AGE
 ☐ DISABILITY
 ☒ RETALIATION
 ☐ OTHER

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
<b>Feb 23, 2006</b>	<b>H. Joan Ehrlich</b> <b>District Director</b>	

EMPLOYEE		BENJA1 Tanicia L. Benja in				PERIOD		03/13/ --03/19/06		CHECK NO.		017245	
EARNINGS						DEDUCTION				DEDUCTION			
DESCRIPTION		HOURS	RATE	AMOUNT		DESCRIPTION		AMOUNT		DESCRIPTION		AMOUNT	
Reg Pay		19.00	18.9600	360.24		Vac/40		20.90					
Vac		.00		20.90									

The Lawson Roofing Co. Inc.				SS# 570-17-0764		STATEMENT OF EARNINGS & DEDUCTIONS DETACH AND RETAIN FOR YOUR TAX RECORDS		
EMPLOYEE	BENJA1 Tanicia L. Benjamin			PERIOD	03/20/06-03/26/06		CHECK NO.	017356
EARNINGS				DEDUCTION		DEDUCTION		
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	
Reg Pay	31.00	18.9600	587.76	Vac/40	34.10			
Vac	.00		34.10					



EMPLOYEE BENJA1 Tanicia L. Benj. in				PERIOD 01/30/-02/05/06		CHECK NO.	016568
EARNINGS				DEDUCTION		DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
Reg Pay	16.00	18.9600	303.36	Vac/40	17.60		
Vac	.00		17.60				

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE	BENJAI Tancia L. Benjamin				PERIOD	09/26/05-10/02/05		CHECK NO.	014138
EARNINGS					DEDUCTION			DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	40.00	15.8800	635.20	Vac/40	44.00				
Vac	.00		44.00						
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY		
THIS PAY	679.20	22.75	51.96	11.04	.00	7.34	542.11		
YTD	16,224.52	172.82	1,241.18	83.02	.00	175.24			

-awson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tania L. Benjamin				PERIOD		09/12/05-09/18/05		CHECK NO.		013909			
EARNINGS												DEDUCTION		DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT						
Reg Pay	39.75	15.8800	631.23	Vac/40	43.73										
Vac	.00		43.73												
DEDUCTIONS															
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY								
	674.96	22.11	51.64	10.70	.00	7.29	539.49								
	14,866.12	127.32	1,137.26	60.94	.00	160.56									

**The Lawson Roofing Co. Inc.**

SS# 570-17-0764

## STATEMENT OF EARNINGS & DEDUCTIONS

EMPLOYEE	BENJAI Tanicia L. Benjamin	PERIOD FROM TO	02/13/06-02/19/06	CHECK NO.	016796
<b>EARNINGS</b>					
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT
Reg Pay	8.00	18.9600	151.68	Vac/40	8.80
Vac	.00		8.80		
<b>DEDUCTION</b>					
GROSS PAY	FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI
THIS PAY	160.48	.00	12.28	.00	1.28
YTD	3,152.18	51.01	241.15	24.94	.00
					NET PAY
					138.12

EMPLOYEE	BENJAI Tancia L. Benjamin	PERIOD	10/24/05-10/30/05	CHECK NO.	014680
EARNINGS		DEDUCTION		DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT
Reg Pay	.00	15.8800	.00	Vac / 40	35.20
Reg Pay	32.00	18.9600	606.72		
Vac	.00		35.20		
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H
THIS PERIOD	641.92	17.16	49.11	8.65	6.93
PAY TO DATE	18,632.36	225.04	1,425.38	108.17	.00
					SDI
					NET PAY
					524.88



The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE	BENJAI Tancia L. Benjamin				PERIOD	09/05/05-09/11/05		CHECK NO.	013794
EARNINGS					DEDUCTION		DEDUCTION		
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	32.00	15.8800	508.16	Vac/40	35.20				
Vac	.00		35.20						
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY		
THIS PAY	543.36	6.16	41.57	2.73	.00	5.87	451.83		
YTD	14,191.16	105.21	1,085.62	50.24	.00	153.27			

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE	BENJAI Tanicia L. Benjamin				PERIOD	10/03/05-10/09/05		CHECK NO.	014256
EARNINGS				DEDUCTION				DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	32.00	15.8800	508.16	Vac/40	35.20				
Vac	.00		35.20						
GROSS PAY				FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY
THIS PAY	543.36	6.16	41.56	2.73	.00	5.87	451.84		
YTD	16,767.88	178.98	1,282.74	85.75	.00	181.11			

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN L. Benjamin				PERIOD		02/06/06-02/12/06		CHECK NO.		016681	
		EARNINGS				DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT				
Gross Pay	40.00	18.9600	758.40	Vac/40	44.00								
Vac	.00		44.00										
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY						
THIS PAY	802.40	41.03	61.39	20.89	.00	6.42	628.67						
YTD	2,921.70	51.01	228.87	24.94	.00	23.93							



The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin			PERIOD		07/11/05-07/17/05		GROSS		012760	
EARNINGS												
DESCRIPTION		HOURS	RATE	AMOUNT	DEDUCTION		DEDUCTION		DEDUCTION			
Reg Pay		24.50	15.0500	368.73	Vac/40		26.95					
Vac		.00		26.95								
GROSS PAY					STATE W/H		LOCAL W/H		SDI			
THIS PAY		395.68	.00	30.27	.00		.00		4.27			
YTD		10,649.94	71.34	814.72	33.77		.00		115.02			
									NET PAY			
									334.19			



The Lawson Roofing Co. Inc.

SS# 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancicia L. Benjamin			07/04/05-07/10/05		012641	
EARNINGS				DEDUCTION				
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	
Reg Pay	31.50	15.0500	474.08	Vac/40	34.65			
Vac	.00		34.65					
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY	
THIS PAY	508.73	2.70	38.92	.66	.00	5.49	426.31	
YTD	10,254.26	71.34	784.45	33.77	.00	110.75		

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tania L. Benjamin				PERIOD		05/23/05-05/29/05		CHECK NO.		011924	
EARNINGS						DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT				
Reg Pay	29.00	15.0500	436.45	Loan	50.00	Vac/40	31.90						
Vac	.00		31.90										
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY						
THIS PAY	468.35	.00	35.83	.00	.00	5.06	345.56						
YTD	7,162.61	34.00	547.94	15.22	.00	77.37							

SALARY ADVANCE TO BE REPAYED BY WEEKLY PAYROLL DEDUCTIONS		DETACH BEFORE DEPOSITING		
50,000 EACH WEEK UNTIL REPAYED IN FULL.		VENDOR NAME		
CHECK DATE	CHECK NO.	GROSS AMOUNT	DEDUCTION	NET AMOUNT
		TOTAL GROSS	TOTAL DEDUCTIONS	CHECK AMOUNT

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin			01/23/06-01/29/06		016454	
EARNINGS				DEDUCTION		DEDUCTION		
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	
Reg Pay	16.00	18.9600	303.36	Loan	50.00	Vac/40	17.60	
Vac	.00		17.60					
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY	
THIS PAY	320.96	.00	24.55	.00	.00	2.57	226.24	
MTD	1,868.34	9.98	142.93	4.05	.00	14.94		

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN L. Benjamin			DEDUCTION		DEDUCTION		DEDUCTION	
EARNINGS										
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	NET PAY
Reg Pay	12.00	18.9600	227.52	Loan	50.00	Vac/40	13.20			
Vac	.00		13.20							
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI				
THIS PAY	240.72	.00	18.42	.00	.00	1.93				
YTD	1,464.38	9.98	112.03	4.05	.00	11.71				

157.17



**The Lawson Roofing Co. Inc.**

SS# 570-17-0764

**STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS**

EMPLOYEE		BENJAMIN L. Benjamin				PERIOD		01/20/06-01/20/06		CHECK NO.		016252	
EARNINGS						DEDUCTION		DEDUCTION		DEDUCTION		DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
Safety	.00		83.00										
YTD	1,306.66	9.98	99.96	4.05	.00	10.44							
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY						
THIS PAY	83.00	.00	6.35	.00	.00	.66	75.99						

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN Tanicia L. Benjamin			PERIOD		CHECK	
		EARNINGS			DEDUCTION		NO.	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	NET PAY
Reg Pay	25.00	18.9600	474.00	Loan	50.00	Vac/40	27.50	
Vac	.00		27.50					
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI		
THIS PAY	501.50	1.98	38.37	.22	.00	4.01		
YTD	1,223.66	9.98	93.61	4.05	.00	9.78		379.42

The Lawson Roofing Co. Inc.

SS# 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin				PERIOD		02/13/06-02/19/06		CHECK NO.		016796	
EARNINGS						DEDUCTION							
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT				
Reg Pay	8.00	18.9600	151.68	Vac/40	8.80								
Vac	.00		8.80										
GROSS PAY			FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY					
THIS PAY	160.48	.00	12.28	.00	.00	1.28	138.12						
YTD	3,152.18	51.01	241.15	24.94	.00	25.21							

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

		PERIOD		12/25/05-12/25/05		CHECK NO.		015604	
		DEDUCTION				DEDUCTION			
		AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION				
GROSS PAY		75.00		75.00					
FEDERAL W/H		.00							
FICA		5.74							
STATE W/H		.00							
LOCAL W/H		.00							
SDI		.81							
NET PAY		68.45							
THIS PAY		75.00		.00					
YTD		22,568.91	340.64	1,726.52	166.67	.00	243.76		

\_awson Roofing Co. Inc.

SS # 5 / 0 - 1 / - 0 / 6 4

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN L. Benjamin				PERIOD		12/19/05-12/25/05		CHECK NO.		015746	
EARNINGS						DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT				
Reg Pay	10.50	18.9600	199.08	Vac/40	11.55								
Vac	.00		11.55										
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY						
THIS PAY	210.63	.00	16.11	.00	.00	2.27	180.70						
YTD	22,704.54	340.64	1,736.89	166.67	.00	245.22							

00-1/-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EARNINGS				PERIOD		12/12/05-12/18/05		CHECK NO.	015492
				DEDUCTION		DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	38.00	18.9600	720.48	Vac/40	41.80				
Vac	.00		41.80						
GROSS PAY				FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY
THIS PAY	762.28	35.21	58.31	17.68	.00	8.23	601.05		
YTD	22,493.91	340.64	1,720.78	166.67	.00	242.95			



SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN L. Benjamin				PERIOD		12/05/05-12/11/05		CHECK NO.		015378	
EARNINGS										DEDUCTION			
DESCRIPTION		HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT			
Reg Pay		40.00	18.9600	758.40	Vac/40	44.00							
Vac		.00		44.00									
GROSS PAY													
FEDERAL W/H													
FICA													
STATE W/H													
LOCAL W/H													
SDI													
NET PAY													
THIS PAY		802.40	41.23	61.39	20.89	.00	8.67						
YTD		21,731.63	305.43	1,662.47	148.99	.00	234.72	626.22					

The J. J. Johnson Roofing Co., Inc.

SS# 570-17-0764

### STATEMENT OF EARNINGS & DEDUCTIONS

EMPLOYEE		BENJAI Tanicia L. Benjamin				01/18/05-12/04/05		CHECK NO.	015267
EARNINGS						DEDUCTIONS			
DESCRIPTION .	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	29.00	18.9600	549.84	Vac / Reg	.50				
Vac	.00		31.90						
YTD	20,929.23	264.20	1,601.08	128.10	.00	226.05	484.02		
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY		
THIS PAY	581.74	10.00	44.50	5.04	.00	6.28	484.02		

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE	BENJAMIN TANCIA L. Benjamin				PERIOD	11/21/05-11/27/05		CHECK NO.	015161
EARNINGS					DEDUCTION		DEDUCTION		
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
REG PAY	7.50	18.9600	142.20	Vac/40	8.25				
Vac	.00		8.25						
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY		
THIS PAY	150.45	.00	11.50	.00	.00	1.62	129.08		
YTD	20,347.49	254.20	1,556.58	123.06	.00	219.77			

STATE OF NEW YORK

JAN 01/01-12/31/04

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE	BENJAMIN L. Benjamin				PERIOD	11/14/05-11/20/05		CHECK NO.	015045
EARNINGS				DEDUCTION					
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	30.00	18.9600	568.80	Vac/40	33.00				
Vac	.00		33.00						
GROSS PAY				FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY
THIS PAY	601.80	12.01	46.05	6.24	.00	6.50	498.00		
YTD	20,197.04	254.20	1,545.08	123.06	.00	218.15			

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin				PERIOD	CHECK NO.
EARNINGS				DEDUCTION		DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
Reg Pay	16.00	18.9600	303.36	Vac/40	17.60		
Vac	.00		17.60				
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY
THIS PAY	320.96	.00	24.54	.00	.00	3.47	275.35
YTD	19,595.24	242.19	1,499.03	116.82	.00	211.65	

EMPLOYEE		BENJAMIN L. Benjamin			PERIOD		10/24/05-10/30/05		CHECK NO.		014680	
EARNINGS					DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT					
Reg Pay	.00	15.8800	.00	Vac / 40	35.20							
Reg Pay	32.00	18.9600	606.72									
Vac	.00		35.20									
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SOL	NET PAY					
641.92		17.15	49.11	8.65	.00	6.93	524.88					
18,632.36		225.04	1,425.38	108.17	.00	201.25						



The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN L. BENJAMIN			PERIOD		CHECK	
EARNINGS		10/10/05-10/16/05			NO.		014373	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION
Reg Pay	40.00	15.8800	635.20	Vac/40	44.00			
Vac	.00		44.00					
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY	
THIS PAY	679.20	22.75	51.96	11.04	.00	7.34	542.11	
YTD	17,447.08	201.73	1,334.70	96.79	.00	188.45		



The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN L. BENJAMIN			PERIOD		CHECK NO.	
EARNINGS					DEDUCTION		DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	
Reg Pay	32.00	15.8800	508.16	Vac/40	35.20			
Vac	.00		35.20					
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY	
THIS PAY	543.36	6.16	41.57	2.73	.00	5.87		
YTD	14,191.16	105.21	1,085.62	50.24	.00	153.27	451.83	

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin			PERIOD		08/22/05-08/28/05		CHECK NO.		013562	
EARNINGS				DEDUCTION				DEDUCTION				
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT			
Reg Pay	8.00	15.8800	127.04	Vac/40	8.80							
Vac	.00		8.80									
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY					
THIS PAY	135.84	.00	10.40	.00	.00	1.47	115.17					
YTD	13,104.44	92.89	1,002.49	44.78	.00	141.53						

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAMIN L. Benjamin				PERIOD		08/15/05-08/21/05		CHECK NO.		013436	
EARNINGS						DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT				
REG PAY	27.00	15.8800	428.76	Vac/40	29.70								
Vac	.00		29.70										
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY						
THIS PAY	458.46	.00	35.06	.00	.00	4.95	388.75						
458.46		92.89	992.09	44.78	.00	140.06							

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin			PERIOD		08/08/05-08/14/05		013319	
EARNINGS					DEDUCTION		DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT			
Reg Pay	14.50	15.8800	230.26	Vac/40	15.95					
Vac	.00		15.95							
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY			
246.21		.00	18.84	.00	.00	2.66	208.76			
12,510.14		92.89	957.03	44.78	.00	135.11				



The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin				PERIOD		CHECK	
EARNINGS				DEDUCTION				DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	23.50	15.8800	373.18	Vac/40	25.85				
Vac	.00		25.85						
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY		
THIS PAY	399.03	.00	30.53	.00	.00	4.31	338.34		
YTD	12,263.93	92.89	938.19	44.78	.00	132.45			

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin			PERIOD		07/24/05-07/31/05		013079	
EARNINGS				DEDUCTION				DEDUCTION		
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT			
Reg Pay	36.00	15.0500	541.81	Vac/40	39.60					
Vac	.00		39.60							
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY			
581.41		9.97	44.47	5.02	.00	6.28	476.07			
THIS PAY		11,864.90	92.89	907.66	44.78	.00	128.14			

The Lawson Roofing Co. Inc.

SS # 5 / 0 - 1 / - 0 / 6 4

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin				07/22/05-07/22/05		012873	
EARNINGS				DEDUCTION				DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Safety	.00		36.00						
GROSS PAY									
THIS PAY	36.00	.00	2.76	.00	.00	.39			
YTD	10,685.94	71.34	817.48	33.77	.00	115.41	32.85		

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE	BENJAI Tancia L. Benjamin				07/18/05-07/24/05		012958	
EARNINGS				DEDUCTION				
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	
Reg Pay Vac	37.00 .00	15.0500	556.85 40.70	Vac/40	40.70			
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY	
THIS PAY	597.55	11.58	45.71	5.99	.00	6.45	487.12	
YTD	11,247.49	82.92	860.43	39.76	.00	121.47		

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTION  
DETACH AND RETAIN FOR YOUR TAX RECORD.

EMPLOYEE		BENJAMIN L. Benjamin					PERIOD		06/27/05-07/03/05		012512	
EARNINGS							DEDUCTION		DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT					
REG PAY	37.50	15.0500	564.38	Vac/40	41.25							
Vac	.00		41.25									
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY					
THIS PAY	605.63	12.39	46.33	6.47	.00	6.54	492.65					
YTD	9,745.53	63.64	745.53	33.11	.00	105.26						

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin			PERIOD		06/20/05-06/26/05		WEEK		012395	
					DEDUCTION				DEDUCTION			
		EARNINGS										
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION
Reg Pay	37.00	15.05	556.85	Vac/40	40.70							
Reg Pay	1.00	.00	.00									
Vac	.00	.00	40.70									
Load	.00	.00	15.05									
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY					
THIS PAY	612.60	13.09	46.86	6.89	.00	6.62	498.44					
YTD	9,139.90	56.25	699.20	26.64	.00	98.72						



The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin			PERIOD		06/13/05-06/19/05		CHECK NO.		012279	
EARNINGS					DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT					
Reg Pay	35.50	15.0500	534.28	Vac/40	39.05							
Vac	.00		39.05									
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY					
THIS PAY	573.33	9.16	43.86	4.53	.00	6.19	470.54					
YTD	8,527.30	43.16	652.34	19.75	.00	92.10						

The Lawson Roofing Co. Inc.

SS# 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tanicia L. Benjamin				PERIOD		05/30/05-06/05/05		CHECK NO.		012051	
EARNINGS						DEDUCTION				DEDUCTION			
DESCRIPTION		HOURS	RATE	AMOUNT		DESCRIPTION		AMOUNT		DESCRIPTION		AMOUNT	
Reg Pay		28.00	15.0500	421.41		Loan		20.00		Vac/40		30.80	
Vac		.00		30.80									
GROSS PAY		FEDERAL W/H		FICA		STATE W/H		LOCAL W/H		SDI		NET PAY	
THIS PAY		452.21		.00		34.59		.00		4.88		361.94	
YTD		7,614.82		34.00		582.53		15.22		.00		82.25	

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX REL.

EMPLOYEE		BENJAI Tancia L. Benjamin				PERIOD		05/09/05-05/15/05		CHECK NO.		011673	
EARNINGS						DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT				
Reg Pay	39.00	12.1400	473.46	Loan	50.00	Vac/40	42.90						
Vac	.00		42.90										
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY						
THIS PAY	516.36	3.46	39.51	1.11	.00	5.58	373.80						
YTD	6,449.32	34.00	493.38	15.22	.00	69.66							

Lawson Roofing Co. Inc.

SS# 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin				PERIOD		CHECK NO.	
EARNINGS						DEDUCTION		DEDUCTION	
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT		
Reg Pay	32.00	15.8800	508.16	Vac/40	35.20				
Reg Pay	32.00	18.9600	606.72						
Vac	.00		35.20						
GROSS PAY			1149.11	STATE W/H	8.65	LOCAL W/H	6.93		
FEDERAL W/H			225.04			SDI	201.25		
FICA			1,425.38			NET PAY			
TOTALS						524.88			

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin					PERIOD		10/03/05-10/09/05		CHECK NO.		014256		
EARNINGS										DEDUCTION			DEDUCTION		
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT						
Reg Pay	32.00	15.8800	508.16	Vac/40	35.20										
Vac	.00		35.20												

451.84

The Lawson Roofing Co. Inc.

SS # 570-17-0764

STATEMENT OF EARNINGS & DEDUCTIONS  
DETACH AND RETAIN FOR YOUR TAX RECORDS

EMPLOYEE		BENJAI Tancia L. Benjamin				PERIOD		09/26/05-10/02/05		CHECK NO.		014138	
EARNINGS						DEDUCTION				DEDUCTION			
DESCRIPTION	HOURS	RATE	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT				
Reg Pay	40.00	15.8800	635.20	Vac/40	44.00								
Vac	.00		44.00										
GROSS PAY		FEDERAL W/H	FICA	STATE W/H	LOCAL W/H	SDI	NET PAY						
THIS PAY	679.20	22.75	51.96	11.04	.00	7.34	542.11						
YTD	16,224.52	172.82	1,241.18	83.02	.00	175.24							





TANICIA Benjamin - 1/10/06

FL- TANICIA WE TAKE THE ALLEGATIONS YOU MADE VERY SERIOUSLY.  
WHY DID YOU WAIT?

TB- ISSUE WAS BROUGHT UP BECAUSE OF RAUL. TB ASSUMED HE DID THIS  
ON PURPOSE, RAUL MADE STATEMENT THAT HE WASN'T THERE TO PLEASE HER.  
HE TOLD HER TO SHUT THE FUCK UP.

FL- HOW IS YOUR WORKING RELATIONSHIP WITH THE WORKERS IN GENERAL?

TB- GENERALLY GOOD EXCEPT WITH RAUL AND THE PEOPLE  
IN MY LETTER

FL- HAVE YOU HAD ANY INAPPROPRIATE BEHAVIOR DIRECTED TO  
YOU THAT YOU DON'T MENTION IN YOUR LETTER?

TB- SOMEONE CLAIMED ABOUT MY PORTRAIT THAT IT SMILED. NO  
OTHER INCIDENTS

FL- LET'S ADDRESS YOUR LETTER. IS YOUR LETTER THE TRUE FACTS?

TB- YES

FL- INCIDENT HAPPENED AT LITA + BERRY PROJECT  
WORKING WITH ZEPH + JOSIE AVILA. TB WROTE THE  
INFORMATION DOWN IN A BOOK.

FL- ASKED IF THE STATEMENT THAT ZEPH POLLED OUT  
HIS DICK AND WAS ASKED TO KISS IT IS TRUE?

TB- YES IT'S TRUE.

FL- HOW DID THIS HAPPEN?

TB- WE WERE TALKING ABOUT SEX. I FELT COMFORTABLE  
DISCUSSING THIS ISSUE WITH ZEPH. NOT REALLY A PRIVATE  
CONVERSATION

FL- WHAT CAUSED ZEPH TO EXPOSE HIMSELF?

TB- HE ASKED ME WHAT SIZE PANTS DO YOU LIKE.

FL- WHAT CAUSED HIM TO EXPOSE HIMSELF

TB- HE ASKED YOU IF YOU WANTED TO SEE HIS PENIS.  
HE ASKED AGAIN. THEN HE EXPOSED HIMSELF

FL- WHY DIDN'T YOU SAY NO

TB- MAYBE I WANTED TO SEE IT

FL- WAS THERE ANY PHYSICAL CONTACT

TB- NO

FL- AFTER HE EXPOSED HIMSELF WHAT HAPPENED

TB- HE ASKED YOU IF YOU WANTED TO KISS IT. I DIDN'T  
RESPOND.

FL- HOW LONG WAS IT EXPOSED

TB- 10-15 SECONDS

FL- WHERE DID THIS TAKE PLACE

TB- 4TH FLOOR - INSIDE A WINDOW FRAME

FL- YOU STATE IN YOUR LETTER THAT HE EXPOSED HIMSELF  
A SECOND TIME WHILE DRIVING BACK TO THE SHIP. TRUE?

TB- YES

FL- ANY WITNESSES?

TB- YES TO THE FIRST INCIDENT

PL - Did he try to get you to touch him?  
TB - Yes. He tried to pull my hand towards him

PL - You state that Jose A. grabbed your pussy. True?  
TB - Yes.

PL - What caused him to do this?  
TB - He ~~was~~ heard ZEFF AND I TALKING SEX AND SAW  
ZEFF expose himself to me.

PL - What did you do?

TB - Nothing.

PL - He did it again?

TB - Yes. Maybe because I didn't say no the 1st time.

PL - ~~MARIO~~ ASKED YOU STATE THAT you were riding in the truck  
AND MARIO TOUCHED YOU. True?

TB - Yes. This was inappropriate touching

PL - MARIO ASKED YOU ABOUT your size of your pussy?

TB - Yes.

PL - MARIO ASKED YOU FOR A DATE AND WANTED TO TAKE  
YOU TO THE GONCUT MOTEL WHICH COSTS \$70?

TB - Yes, it happened. I didn't respond. Facial expression only.

grasser your "titti", true?  
TB- Yes. I was shocked. Why did you do that?

FL- What was his response?

TB- He denied it.

FL- Witnesses?

TB- Not to my knowledge.

FL- Is there anything else to discuss?

TB- Zeff told me that most of the guys in the shop  
been wanting to "hypothesize" to you but haven't.

FL- What do expect Lawson Roofing to do about this?

TB- Crew to be talked to about their thoughts and  
hands to themselves.

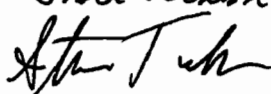
FL- Do you feel any of your actions to be inappropriate?

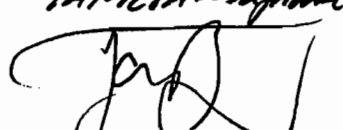
TB- Yes. Didn't feel it to be harmful.


FL- Do you have any concern about working here?

TB- No.

FRANK LAWSON  


STACEY TUCKER  


TANDEA BRYAN  


DANIEL B. SINI  


TAMICIA Benjamin

1/12/06

FL- ZEPHERINO MURIZ WAS TERMINATED BECAUSE OF HIS ACTION

TB- I AM SURPRISED THAT YOU TERMINATED HIM

FL- JOSE AVILES SAID IT WAS ACCIDENTAL.

TB- IT WAS NOT ACCIDENTAL

FL- LEO SOTO DENIED TELLING YOU

TB- HE IS NOT TELLING THE TRUTH

FL- YOU STAND BY BOTH STATEMENTS

TB- YES

FL- ZEPHERINO STATED THAT YOU REQUESTED THAT  
YOU SEE HIS PANTS.

TB- NO.

FL- REVISOR WHY THE INCIDENT WHEN ZEPH FIRST EXPOSED  
HIMSELF TO YOU. I RECALL THAT 4 PART OF THE INTERVIEW

TB. THAT'S THE TRUTH

TD- I Feel that MARIO TOUCHED ME INAPPROPRIATELY

PL- We will bring MARIO IN for an interview a 2<sup>nd</sup> TIME

PL- HAVE YOU MADE ANY ADVANCES or TOUCHED ANY  
LAWSON LOOKING employee INAPPROPRIATE

TD- YES I HAVE.

PL- Who with?

TD- Won't say.

PL- HAVE YOU TOUCHED ANY PART OF THEIR BODY

TD- THEIR FACE

PL- How?

TD- WITH MY HANDS

PL- What was their reaction

TD- NONE

PL- HAS IT BEEN CONSENSUAL?

TD- YES.

FL - DO YOU UNDERSTAND AN APPROPRIATE BEHAVIOR

TS - NO

FL - KNOW THAT I HAVE EXPLANATION IT DO YOU UNDERSTAND

TS - YES

FL - HAVE YOU TOLD ANY EMPLOYEE IN APPROPRIATE

TS - NO



4<sup>th</sup> e Berry

worked w/ Zeff & Jose  
 the shorty w/ the big tummy  
 on 9/8/05 Silvino worked as  
 well. Zeff took out his dick  
 while standing on window frame  
 and asked me if i wanted to  
 kiss it. ②. While driving back  
 to shop Zeff and i Zeff pulled  
 out his dick grabbed my hand  
 and asked me if i wanted to  
 it. the very same day Jose  
 grabbed my pussy more than  
 once. <sup>and</sup> While working w/ Rick  
 Samuelson on 4<sup>th</sup> e Berry  
 crew Jesus Mario Jimmy Lasaro  
 Art. While Rick was driving to

JOB RITO MARIO SAT NEXT  
TO RICK JESUS NEXT OR BETWEEN  
MARIO AND MYSELF MARIO KEPT  
PUSH<sup>ing</sup> OVER JESUS TOUCHING ME MY  
SHOULDER MY BACK MARIO<sup>has</sup> ASKED  
ME REPEATEDLY IS MY PDSY BIG RE  
TANICIA DO YOU HAVE A GRANDE  
PENOCHE HOW MUCH CAN I TAKE  
YOU TO THE GENEVA MOTEL FOR  
\$70 DOLLARS. ON 10/20/05 WHILE  
WORKING W/ RICK SAMUELSON 4TH  
& BERRY LEO SOTO GRABBED  
MY TITTI.

1/10/06

- Zef MUNOZ

- FL - HAVE YOU WORKED WITH TANICIA

- ZM - YES

- FL - How is your working relationship,

- ZM - NOT GOOD - CONCERNS - SHE WORKS TOO SLOW

- FL - DO YOU CALL HER BY ANY NAME OTHER THAN TANICIA

- ZM - I CALL HER "T" - I CALLED HER A TURTLE ONCE BECAUSE OF HER SLOW WORK.

- FL - DID YOU SEE OF ANY INAPPROPRIATE BEHAVIOR - TALKING, TOUCHING

- ZM - NO.

FL - DID YOU EXPOSE YOURSELF TO HER

ZM - YES.

FL - WHY DID YOU DO THAT.

ZM - BECAUSE TANICIA EGGED ME ON, SHE ASKED PI HADARUSSEN

FL - HOW WITNESSED THIS ACT

ZM - JOSE RODRIGUEZ AVILES SAW IT

FL - WHAT ELSE TOOK PLACE

ZM - TANICIA PUT HER BODY - LOWER PART IN JOSE AVILES' EARS

FOR HIM TO SMELL WHILE ON THE STAGING AT THE JOBSITE

- FL - WHAT ELSE HAPPENED?

ZM - NOTHING ELSE HAPPENED.

FL - ANY OTHER INCIDENTS?

ZM - YES. COUPLE OF DAYS LATER, TANICIA WAS DISCUSSING WITH TANIA

MUNOZ THE SIZE OF MY PENIS AND SHE REQUESTED A TAPE MEASURE TO MEASURE MY PENIS. I EXPOSED MYSELF AT THE TRUCK AND SHE MEASURED MY PENIS.

FL - DID SHE TOUCH YOU?

ZM - ~~NO~~ YES, WITH HER HANDS.

FL - ANY OTHER INCIDENTS?

ZM - NO. SHE STARTED TO GET MAD AT ME SAYING  
I AM ARROGANT.

FL - HAVE YOU TOLD OTHER WORKERS ABOUT THE INCIDENT

ZM - JUST THOSE WHO WERE THERE KNOW.

FL - ANY INCIDENTS WITH OTHER PEOPLE IN THE SHOP THAT  
YOU KNOW OF?

ZM - SHE APPROACHED JAVIER AND ASKED HIM TO TOUCH HER.

FL - WHEN WAS THIS?

ZM - A MONTH OR SO.

FL - HOW DID YOU FIND OUT

ZM - JAVIER TOLD ME.

FL - ANYTHING ELSE TO SAY?

ZM - I'M SORRY ABOUT THIS

Summary - I DID expose myself twice to TANICIA BUT IT  
WAS A MUTUAL AGREEMENT.

FRANK LAWSON



DAN SIRI

Daniel B. Siri

ZEFFARINO MONROE

Monroe Zeffarino

Goodman - BA  
SAC Boston - Intrepid  
Rich Lawson  
Frank Lawson

1/12/06

Leo Lotw

FL- Do you know why you are here? Did you read  
Tania Benjamin's book?

LS- No. I don't

1/12/06

- ZOFF MUNOZ

FL-Due to your inappropriate behavior you are terminated.  
Zf- ok-

JOSÉ AVILES

- Did you touch Tania Benitez in an inappropriate

- where did you touch her

- Leo 5070

- Did you touch Tania Benitez in an inappropriate manner?

JOSE AVILES

1/12/06

PL- Jose I am going to ask you some questions  
as a follow-up to our 6

JA- OK

PL- I expect you to tell the truth

JA- yes.

PL- Did you ever touch Tanica Benjamin in an inappropriate manner

JA- NO

PL- Did you witness any inappropriate behavior toward  
TANICA Benjamin by any Lawson Roofing Co. employee

JA- Yes, I was a witness. In the last interview I was  
afraid to tell the truth. TANICIA ASKED ZAPPAHIN  
TO SHOW HIS PRIVATE PARTS.

PL- Was this one incident?

JA- One time that I saw

PL- Did you touch TANICIA in between her legs?

JA- Yes I did.



FL- Why

JA- By accident.

FL- ONE TIME OR MORE THAN ONCE?

JA- ONE TIME

FL- YOU ARE TELLING ME THE TRUTH IT WAS ACCIDENTAL?

JA- Yes

FL- Why would TANIA say it wasn't?

JA- TANIA WANTS TO GET LAWSON IN TROUBLE

FL- ASKED ABOUT JOSE A'S STATEMENT ABOUT THE  
INCIDENT- TRUE OR FALSE

TB- NOT TRUE.

FB- What about MARIO?

FL- What about MARIO

TB- He TOOK ME ON MY SHOULDER

VERN ROGERS

4/9/06

FL- What's the problem with Tanicia Benjamin

VR- She is constantly hugging and kissing.

She offered to suck my dick. Tanicia Benjamin  
Carlos Luna heard this.

FL- When did this start?

VR- IT STARTED LAST YEAR AT THE JESSIE Squire  
Garage. I was trying to be nice to her since  
she was a new employee

FL- Have you made any advances towards Tanicia?

VR- No. I always tell her to keep her hands off

FL- Have you seen any inappropriate actions directed towards  
Tanicia by any employee

VR- No.

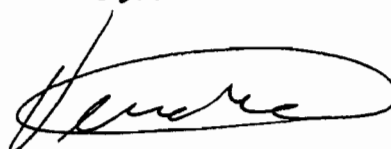
FL- IS THIS STILL GOING ON?

VR- NO. WE DON'T TALK.

FRANK LAWSON JR



VERN ROGERS



①

1-12-06

ZEEFOMNU - MONROE.

STEVE ~~SA~~ TUCKER LOCAL 40

RTL / FEL

TERMINATED FOR ACTIONS UNAPPROPRIATE  
TO THE COMPANY. EXPLANATION.

LOO SOTO.

STEVE TUCKER LOCAL 40

RTL / FEL

SAL - INTERVIEW LOCAL 40

FEL: DID YOU TOUCH TONICIA BONTANIN IN AN INAPPROPRIATE MANNER

LOO: NO.

STAND BY.

NO TOUCH.

IN TOUCH. PROPER TOUCH IS POSSIBLE TO TOUCH  
BECAUSE OF CLOSE QUARTERS "SQUISH"

JOSE AUGUST BONDENS

STEVE TUCKER LOCAL 40

RTL / FEL

SAL - INTERVIEW LOCAL 40

FEL: AT ANY TIME HAVE YOU TOUCHED TONICIA BONTANIN IN AN INAPPROPRIATE MANNER

JOSE: NO

FEL: DID YOU WITNESS ANY INAPPROPRIATE BEHAVIOR BY ANY LDC EMPLOYEES

JOSE: YES I WAS WITNESS.

LAST INTERVIEW ATTEMPTED TO TELL TRUTH. AFRAID TO LOSE JOB  
DID SEE WHAT ZEEFOMNU WHAT WAS TALKING ABOUT

1-12-05

JOSE SAID THAT

LOF SAID ~~THAT~~ TONICIA ASKED IF HE COULD  
SHOW HIS PRIVATE PARTS. -  
DID NOT SPECIFICALLY SET THE CONVERSATION

DID YOU TOUCH TONICIA BONTAMON IN  
AN INAPPROPRIATE MANNER BETWEEN LOS  
(LONG PAUSE)

JOSE: I DO NOT REMEMBER.

FOR: PLEASE REPEAT ANSWER

JOSE: YES I JUST PAT TOUCH

FOR: WHY

JOSE: BY ACCIDENT - ~~THE~~ SHE WAS  
WORKING BEHIND BY ACCIDENT I TOUCHED.

FOR: ONE TIME OR MORE THAN ONE

JOSE: ONE TIME

FOR: TONICIA NO ~~THE~~ TOUCH IT WAS BY ACCIDENT  
(LONG PAUSE)

JOSE: YES

FOR: WHY WOULD TONICIA SAY IT WASN'T?

1-12-06

(3)

JOSE: THAT WOMAN JUST WANTS TO GET US  
IN TROUBLE. BESIDES I HAVE  
MY WIFE & FAMILY.

TO DO YOU HAVE ANYTHING YOU WANT TO A

JOSE: NO.

TONICIA BONTAN

-- STOPS TUCKER COMPANY  
FOR/ITC.

FOR - REVEREND PROCESS - w/ TONICIA  
SABBA INMUNION - PROCESS.

EXPLAINED - WHY ZOF WAS TERMINATION.

JOSE - GAD TOUCHED ACCIDENTAL.  
LSD SOLO - DENIED. ACCUSATION.

TONICIA SAID JOSE DID NOT DO IT BY  
ACCIDENT - - DISPUTES JOSE'S TESTIMONY.

TONICIA SAID - LSD IS NOT TAKING THE  
MOUTH..

TONICIA  
CONTINUED STATEMENT

1-12-06

(9)

FEU: ZOFFENING - CLAIMING YOU ~~SAID~~ ASKED TO SEE IT."

TAWICIA: DENIES - MAKING REQUEST

FEU: ASKING HOW IT HAPPENED.  
RE READ PREVIOUS TESTIMONY.

TAWICIA: CONFIRMED THAT TESTIMONY PREVIOUSLY  
GIVEN IS 100% TRUE.

FEU: WITNESSES STATED THAT SHE REQUESTED.

TAWICIA: NO FINDING THAT IS THE TRUTH.

DO YOU HAVE ANY MORE:

MORE WHAT ABOUT MARIO:

SAID MARIO DID TOUCH INAPPROPRIATE  
REACTION - OUT.

BECAME ~~ATTACHED~~ ANTI-THAT SAID MARIO:  
MIS UNDERSTOOD - PREVIOUS QUESTION - BY FEU.

FEU: WOULD INVESTIGATE FURTHER w/ MARIO.

FEU: HOW DID YOU REACT

TAWICIA - I DID NOT REACT. THAT'S NORMAL.

1-12-06

(5)

● I WILL NOT PUT MY HANDS ON ANY BODY.  
RJL → DID -10

TONICIA: I NEVER TOLD ANYONE THAT  
SHE DID NOT LIKE IT. THAT IS NOT  
MY PERSONALITY.

For: HAVE YOU EVER TOUCHED ANYBODY  
ON YOUR TITS?

TONICIA: YES I HAVE. TOUCHED OTHERS.

For WHO WITH?

● TONICIA: ANYBODY I FEEL COMFORTABLE  
WITH. THE LADS I PLAY WITH.

For :

TONICIA: I DO NOT CONSIDER IT INAPPROPRIATE

For: WHO HAVE YOU TOUCHED INAPPROPRIATE?

TONICIA: WHAT DO YOU CONSIDER INAPPROPRIATE?

● I HAVE NOT TOUCHED ANYBODY INAPPROPRIATE



(C)

1-12-05

● FORT for BAWER - BACK + FAW - 7

FEL - HAVE YOU TOUCHED ANYBODY  
TO

TEENICA: YES w/ my HANDS on HER FACE

FEL: WHAT WAS REQUIRED?

TEENICA: <sup>that</sup> SMILED.

FEL: WAS TOUCHING CONSENTUAL?

● TEENICA - NO ONE HAS DISAGREED WITH MY TOUCHING.

FEL DO YOU UNDERSTAND WHAT I AM SAYING?

TEENICA: NO

FEL - INAPPROPRIATE DONE WITHOUT PERMISSION

FEL: 1ST INTERVIEW I EXPLAINED.

TEENICA I DO NOT REMEMBER EXPLAINING.

FEL: YOU CHANGED STORY

TEENICA I AM NOT CHANGING MY STORY

TITONE IS NO CHANGING

● FEL: HAVE YOU TOUCHED ANY BODY INAPPROPRIATELY?

TEENICA: I HAVE NOT TOUCHED ANYBODY -  
INAPPROPRIATE

1-12-03

(7)

● JLC - You have to tell person you do not  
like behavior. Report to  
supervisor of future activity.

JLC - Inappropriate: Behavior not permitted  
at Lawson Redwood. Attempts - on 11/25/02  
possibilities considered.  
Move from - commercial to CDATICS -  
to start - Monday.

10/11/03

①

1-09-08.

1.30 PM. TENCIA. Run --

LAZARID RAUD - DID NOT SEE OR HEAR  
ANY TALK ABOUT GET --  
SHE NO TOUCH.

JESUS DIAZ

There were some jokes - NOTHING  
LONG WAIT - NO -

NOW HAD ANYTHING BAD.

- ① SITE STAFF SOMEONE HAD DISABILITIES 2 WEEKS AGO. AT  
② NOTICED SITE WAS ABOUT 20/30 METERS  
DID NOT KNOW WHO -

MARIO FLORES AVILA

Don't.

SHE DID NOT WANT TO WORK - w/ MARIO.

SHE DID ALLOW A PERMIT TO ENTER.

RICK WAS NOT WORKING THAT DAY.

KNOWS -- JOSE AVILA'S RECORDS.

WORKING w/

ZOFFERMAN & TENCIA

RECURRING OCCASIONS

DID NOT KNOW IN SAME TRACK →  
NOW WORKING HERE.

(2)

SILVANO VASQUEZ.

DID NOT SEE

DID WORK WITH PERABARRION

ONE TIME WITH ZEF ANOTHER PERSON NOT TON,  
NO CONTACT,

HOW MY LOSE HOW ARE YOU?

SHE LIKES TO REALLY TALK ABOUT

THAT IS TYPICAL CRUELTY IN SHOP.

9th WAS

ASSIGNED TO PICK-UP CANDIDATE -

ZEFORNO FORAMMAN WAS ASSIGNED.

LEO - SJO -

WORKING IN TONICIA -

TAKING WAGES W/ PUCK.

TAKING WORKER ON ROAD. PAROLEE IT -

TRUCK # 14

W/ TRUCK &amp; ACORD -

NO - EA

DID NOT SEE ANYBODY TO JOB -  
NOTHING ABOUT

MAMMO AS FORAMMAN:

"TONICIA IS DUMB" I HATE HER. - SHE WAS TONICIA  
SHE HAD SOMETHING TO LIFE FORAMMAN (WOMAN)  
TONICIA - SHE MENTIONED SEE

(3)

NO comments -

"I am not sure THAT she coding for  
ways to make more" — John A. ...



Jose Q. Padilla

DANIEL B. SIRI

Richard J. ...



Daniel B. Siri

2/10/06

TANICIA BENJAMIN CAME TO ME THIS AFTERNOON STATING THAT JAUIER MUÑOZ WAS LOOKING AT HER FROM HIS CAR ACROSS THE STREET. SHE SAID HE WAS SPEAKING SPANISH AND TALKED TO JIMMY GOMEZ AND POINTED HIS FINGER TOWARDS HER.

I ASKED HER IF YOU UNDERSTOOD SPANISH OR WHAT THEY WERE SAYING AND SHE REPLIED - NO.

I ASKED WHAT WAS THE PROBLEM OR THE ISSUE. SHE STATED THAT JAUIER WAS LOOKING AT HER.

I ASKED WHY IS THAT A PROBLEM. SHE STATED THAT SHE JUST WANTED TO TELL ME AND WALKED OUT OF THE OFFICE.

FRANK LAWSON JR 2/10/06



DAVID GOVORKO

 2/10/06

Jimmy Gomez

1/9/06

PL- What is this about

Jimmy Gomez- I don't know about - Tonia Benjane

PL- Tonia states somebody touched her inappropriately

JB- Not True. DID NOT WITNESS ANY ACTION

PL- Did you witness any inappropriate behavior towards Tonia

JB- Never.

PL- Did you ever hear any other employee talk about inappropriate behavior towards Tonia

JB- NO

PL- Why would she make these allegations

JB- He thinks she makes the statement to get money from Lawson Ruffey.

PL- How is your working relationship with Tonia

JB- working relationship but doesn't listen to him. Frustrating experience. Jimmy told me that she was doing unsafe actions I told her to stop.

PL- Have you witnessed any inappropriate behavior towards Tonia by any Lawson Ruffey employee?

JB- NO.

Jimmy- NO Knowledge of ANY of THE ALLEGATIONS,

Jimmy

Jimmy Gomez.

STILL WORKING FOR TONYA

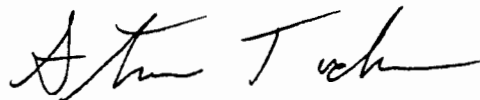
FRANK LAWSON



1/9/06 - Meeting

FRANK LAWSON Jr. - 


Steve Tucker



RICHARD J. LAWSON



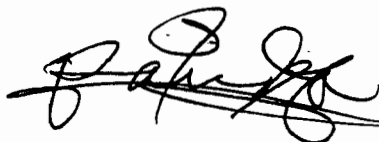
WAYNE REGALIA



MARIO STORIS

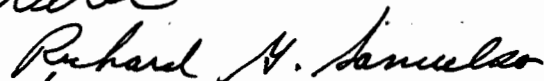


Lazaro Rauda

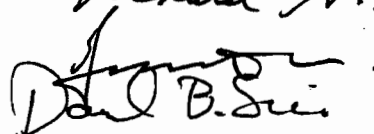


JOSE RENDON ariles

RICHARD G. SAMUELSON



Jimmy Gomez



DAN SIRI



Rene Diaz

JOSE PADILLA



1/10/06 - meeting

REFERINO MUÑOZ



1/10/06 - meeting

TANICIA BENDAMIN



Richard Samuelson

1/9/06 - 4:30

- Tancin always went downstairs at lunch
- Asked Rich the question did he ever see any inappropriate behavior.

RS: none seen. Rich reported that on a Caball job at 145 Taylor the contractor pulled up Tancin's leg pant to see if she was wearing boots. She reported this to Wayne and Wayne talked to Caball about this.

Who did she work with on the job - various people mostly by Rich's direction.

RS: He has a positive relationship with Tancin. She gets no favorable treatment. She complained about other workers stating not working fast enough but the same treatment would have been given <sup>to any employee</sup> the same treatment. Rich stated he wouldn't have stood for any inappropriate behavior by any of his crew towards any employee.

Summary: No information to any of the allegations whether true or false

Richard M. Samuelson

R.F. HARD Samuelson

STEVE TUCKER

FRANK LAWSON JR.

**Betty Bortin**  
**Attorney At Law**  
345 Grove Street  
San Francisco, CA 94102  
Tele (415) 554-0540  
Fax (415) 554-0530

September 7, 2007

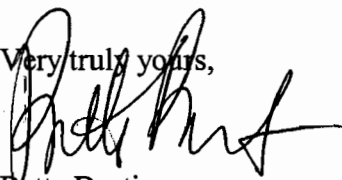
Tanicia Benjamin  
3023 Albany Avenue Apt. 104  
Davis, CA 95616

Dear Ms. Benjamin:

Along with this letter you will find a copy of statements from Richard Samuelson and other co-workers. Please read this over and then we can talk about the statements contained within. This report was sent by their attorney to your panel QME doctor to see if he will change his mind about you.

Also enclosed is the letter to Dr. Chen trying to get him to change his mind. If you have anything you want me to add or ask of Dr. Chen, please let me know as soon as possible.

Very truly yours,



Betty Bortin



June 25, 2007

**CNA**  
405 Howard Street, 6<sup>th</sup> Floor  
San Francisco, CA 94105

RE	SUR	KEN PICARD
ADJ		LISA COLLEY
CLAIM NO		E2223195
CLAIMANT		TANICIA BENJAMIN
INSURED		LAWSON ROOFING COMPANY, INC
DATE OF LOSS		OCTOBER 7, 2005
LOSS		BACK
HUB CASE		CA0706020
INVESTIGATOR		ADELITA VALLEJO
DATE ASSIGNED		JUNE 1, 2007

**NATURE OF ASSIGNMENT:**

CNA requested HUB Enterprises secure a recorded statement from Richard Samuelson and other co-workers.

Dear Mr. Picard,

We acknowledge and thank you for your assignment. This will serve as our final report regarding the above-captioned claim referred to this office for investigation on June 1, 2007.

BENJAMIN T. THORNTON

June 18, 2008  
Page 2 of 26

**ASSIGNMENT SUMMARY:**

The claimant is a then-37-year-old, female, Apprentice Roofer who alleges pain in upper and lower back/bilateral, upper extremities when a rope she was pulling on a rooftop broke and she fell on her back.

**Red Flag Indicators:**

- Injury was un-witnessed.
- Claimant delayed notice for six months
- Subjective complaints outweigh the objective findings of pre-existing scoliosis
- Claimant filed WCAB application one year post-injury

SIU conducted a claims index search and found no additional claims.

I was assigned to interview employer witness Richard Samuelson, to whom the claimant reported the injury, and any other employees who may have relevant information.

The following witnesses were interviewed:

- Frank Lawson Jr., President
- Richard Gregory Samuelson, Foreman
- Wayne Michael Regalia, Field Superintendent
- Steve Tucker, Business Agent, Union Local 40

Immediately following is a detailed summary of their statements.

The rest of the report reflects their full statements.



BENJAMIN T. LINDSAY

July 18, 2007  
Page 3 of 20

**INVESTIGATION SUMMARY:**

**Frank Lawson Jr., President, states:**

- During an examination to fit a respirator in February 2006, the claimant denied a history of back injury but admitted to "arm weakness" and "back pain."
- She never reported a work-related injury. Lawson learned about the workers' compensation claim from CNA on April 23, 2006, a month after she resigned.
- On the alleged date of injury she told Roofing Superintendent Rick Samuelson that a rope she was pulling on a roof broke and she fell down. She declined medical treatment, saying she was "scared but not hurt."
- She worked normally to January 2006, when she complained that Foreman Zeferrino Muñoz had exposed himself to her two months earlier.
- The employer's investigation revealed that Muñoz had exposed himself because the claimant asked him to do it.
- All parties were reprimanded and sent to sexual harassment counseling, and Muñoz was fired, which upset the claimant, who was attracted to him.
- She was also reprimanded for not immediately reporting the incident, and because she incited Muñoz to expose himself.
- She voluntarily transferred to the Coating Department, from which she resigned on March 28, 2006, due to not enough hours.

BENJAMIN, Tanicia

June 25, 2007  
Page 4 of 26

- She then filed a "discrimination" suit with the Department of Labor. Her transfer to the Costing Department was voluntary but she claimed it was "retaliation" for reporting the "sexual harassment" incident. She claimed the transfer resulted in a reduced work schedule although she knew it was the slow season for everyone.
- Lawson later learned she filed a similar suit against her previous employer.
- Also, in March, before she resigned, she was reprimand for attendance problems. She was angry and refused to sign the written reprimand.

**Richard Gregory Samuelson, Foreman, states:**

- On the alleged date of injury he was on a roof with the claimant but she was out of his view.
- At mid-day she said a rope she was pulling broke and she fell backwards.
- He asked if she was all right and she said yes, it "just scared" her.
- He examined the broken rope, which he does not feel was defective, but broke due to rubbing on the scaffolding.
- They worked together two more weeks and the claimant never complained of, or exhibited, any signs of pain or discomfort of any kind.
- She later called him a "liar," claiming she told him on the date of injury that she was hurt. She filed a union grievance but abruptly left the union meeting.

BENJAMIN, Tanicia

June 25, 2007  
Page 5 of 26

**Wayne Michael Regalia, Field Superintendent, states:**

- He has no direct knowledge about the claimant's alleged injury.
- He had regular contact with her and she never indicated or appeared to have any medical problem.
- He feels she has a financial motive and is pursuing this claim in retaliation for the outcome of her sexual harassment complaint and voluntary transfer to the Coating Department.

**Steve Tucker, Business Agent, Union Local Union 40, states:**

- He had contact with the claimant due to her sexual harassment complaint, and she never mentioned a work-related injury until after the workers' compensation claim was denied and she asked the union to represent her, but it was too late.
- He feels she filed the workers' compensation claim because she is disgruntled that she did not receive financial compensation for the sexual harassment claim. She complained that the employee who exposed himself was fired and other people were not fired.

**INVESTIGATION REPORT:**

Employer witnesses provided the following claimant information.



BENJAMIN, Tanicia

June 25, 2007  
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## IDENTIFICATION

Name: Benjamin, Tanicia Latonya  
AKA: not known  
Race/Gender: African-American female  
Date/Birthplace/Status: May 28, 1968  
Height/Weight: 6'/228 lbs  
Hair/Eye Color: black & blond, streaked & braided; brown eyes  
Dominant Hand: not known  
Social Security No.: xxxx  
Driver's License No.: A8116776 (expiration date not known)\*  
Address: 8 Bel Aire Way, San Rafael, California 94901\*\*  
Telephone No.: 415/584-3138

## Additional Claimant Description

The claimant always wears "flashy" sunglasses.

\*At hire, the claimant denied she had a driver's license. The employer did a DMV check and learned she did have one. It is not known why she denied having one.

\*\*This is the claimant's former address. She has since moved to Sacramento, address not known.

## Vehicle

Not known; the claimant rode a bike to work.

BENJAMIN, Tanicia

June 25, 2007  
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## **PERSONAL HISTORY**

### **Marital/Children**

The claimant has a daughter, approximately age 10.

### **Litigation/Bankruptcy/Wage Attachments/Insurance Claims/Settlements**

Not known

### **Auto-Accident Insurance Claims**

A 2005 DMV report was negative.

### **Previous Workers' Compensation Claims**

Not known

### **Arrest History**

2001: The claimant has admitted she was arrested for Petty Theft.

### **Hobbies/Athletic/Recreational Activities**

Not known

### **Education**

1982-84: Attended Menlo Atherton High School, Menlo Park but did not graduate

### **Military Service**

No

BENJAMIN, Tanicia

June 25, 2007  
Page 12 of 26

**Overtime**

\$56.88

**Average Weekly Wage: \$815.28**

**OTHER INCOME**

Not known

**CONCURRENT EMPLOYMENT**

Not known

**SUBSEQUENT EMPLOYMENT**

Not known

**LOST TIME/TOTAL TEMPORARY DISABILITY**

Not known

**ISSUES:**

**AOE-COE**

- The claimant alleges pain in upper and lower back and bilateral upper extremities since the alleged date of injury but she never reported the injury until after she resigned six months later.

BENJAMIN, Tanicia

June 25, 2007  
Page 13 of 26

- There were no witnesses.
- She was disgruntled after she complained of sexual harassment and was discovered to have instigated it herself.
- She was angry about a March 2006 written reprimand for attendance problems.
- Subjective complaints outweigh the objective findings of pre-existing scoliosis.
- The claim was denied and she filed an application with WCAB over one year since the denial date.

#### **Late Notice**

- The claimant did not indicate she was injured until six months later.

#### **NOTICE**

On April 4, 2006, the insured learned of the claim via written notice from CNA.

#### **MEDICAL TREATMENT**

Not known

#### **MEDICAL HISTORY**

#### **Previous Same Injury/Symptoms**

BENJAMIN, Tanicia

June 25, 2007  
Page 14 of 26

In February 2006, the claimant was routinely examined to fit a respirator at Bay Medical Center (2 Connecticut Street San Francisco, California 94107). On the questionnaire, she denied a history of back injury but admitted to "arm weakness" and "back pain."

**Work-Related Injuries**

Not known

**Auto/Motorcycle Accident-Related Injuries**

Not known

**Major Illness or Injury/Surgery/Hospitalization**

Not known

**Family Medical History**

Not known

**Smoke/Drink/Illegal Drugs**

Not known; pre-employment drug test was negative.

**Personal Physician/Health Care Provider**

Not known; the claimant could have chosen Kaiser or Blue Cross via Roofers Local 40 Health Plan.

**DATE/TIME/PLACE OF INJURY**

Friday, October 7, 2005, 12:01pm, 261 Berry Street, San Francisco, California 94107

BENJAMIN, Tania

June 25, 2007  
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**WITNESS STATEMENTS**

**(1) Frank Lawson Jr., President**

Address: 2495 Tennessee Street, San Francisco, California 94107

Telephone No.: 415/285-1661

Frank Lawson was interviewed at the insured location June 11, 2007. He consented to a recorded statement.

**WITNESS EVALUATION**

Frank Lawson is a below-average witness. He is cooperative and articulate but controlling. He is repetitive and exhibits somewhat inconsistent recall.

**He states the following.**

He has no direct knowledge about the claimant's alleged injury. She never reported any injury to the insured.

On October 7, 2005, Superintendent Rick Samuelson notified Superintendent Wayne Regalia about an incident that day. Regalia wrote a report that Lawson read the same day. It said the claimant was on a roof pulling a rope that broke and she fell down. It did not mention any injured body part.

The claimant was working with other employees but did not name any witnesses.

She declined a medical referral or rest, saying she was "scared but not hurt."

BENJAMIN, Tania

June 25, 2007  
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She continued working uneventfully to January 2006, when she filed a sexual harassment claim against Foreman Zeferino Muñoz, alleging he had exposed himself to her two months earlier.

She said she filed the complaint two months after the incident because she was now working with a different crew and the new foreman, Raul Prado, told her to do her job in such a manner that she would "not be treated like she was by Zeferino Muñoz."

The claimant said the new crew knew about the incident but she was only now reporting it because Prado said she would "not get away" with showing up late for work like Muñoz had let her do.

The claimant "took offense." She told Superintendent Dan Ceri that Prado was yelling at her. Then, she incidentally mentioned that Muñoz had exposed himself two months earlier.

She also alleged that "someone" had touched her inappropriately, which was later proven to be unfounded.

Ceri asked to write an incident report and to name any witnesses.

The investigation included Union Business Agent Steve Tucker and several Spanish translators.

The insured conducted an investigation and learned it was true that Muñoz had exposed himself to her. He admitted doing it but said the claimant had asked him to do it.

BENJAMIN, Tanicia

June 25, 2007  
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The insured interviewed all the crewmembers and found three eyewitnesses who confirmed the incident was by "mutual consent."

During the investigation the claimant admitted she was romantically interested in Muñoz. She said she talked sexually to him and asked him to expose himself.

All parties were reprimanded and sent to sexual harassment counseling, and Muñoz was fired.

The claimant also was reprimanded for not immediately reporting the incident and because her behavior incited and encouraged Muñoz.

The claimant was upset and cried because Muñoz was fired.

The employer offered her a transfer to the Coating Department and she accepted.

Her assignment in the Roofing Department had included 80-to-90 employees. The Coating Department across the street has only 10 or 12 employees.

After her transfer her duties became coating and water proofing, but no roofing.

She worked in the Coating Department to March 28, 2006, when she resigned because she was not getting enough hours.

Subsequently, she filed a suit with the Department of Labor, alleging discrimination. It is not known if the suit involves racial or gender discrimination.



BENJAMIN, Tanicia

June 25, 2007  
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Although her transfer was voluntary so she could get away from the crew where the "exposure" incident occurred, she claimed the transfer was retaliation for reporting the incident after the Coating Department could not give her as many hours as the Roofing Department.

However, it was mid-January, during the rainy season when all departments are low on work. She had worked for the company for two years and knew the slow season is January through March.

Lawson believes the claimant "fell back" on Affirmative Action because she had been hired to meet the City's request for minority females. Her first job ended after three months but they kept her on for two more years so it would not appear they hired her only to meet a quota.

Lawson later learned she filed a similar suit against her previous employer, Western Roofing (San Francisco). It is not known who prevailed. Union Business Agent Steve Tucker might know.

Also in March 2007, before the claimant resigned, the employer had to reprimand her for "no show," and because she was leaving excuses for being late or absent on Superintendent Rick Nelson's cell telephone, which is against policy. She knew she should leave the messages on the company switchboard.

Her excuses included lost car keys, or her daughter locked the keys in the car trunk—although she rode a bike to work.

She would leave messages saying she would be late, but would not show up.

BENJAMIN, Tania

June 25, 2007  
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She would say she was en route to work, then, not show up.

On March 10, 11 and 12, 2006, she was reprimanded for attendance problems but she was angry and refused to sign the written reprimand.

She complained that she was not working. This was her biggest "beef" at the end, although she knew the smaller Coating Department had less work and they had told her if they had the work they would give it to her.

When she took the voluntary transfer to the Coating Department there was initially no work and they assigned her to the Warehouse for a week. This was her choice. She could have stayed with the Roofing crew.

Lawson learned about the Department of Labor complaint on February 21, 2006, before the claimant resigned. He never discussed it with her. The complaint is ongoing.

The claimant quit on March 28, 2006. On April 14, 2007 she filed a claim for Unemployment Insurance Benefits, after receiving State Disability Insurance Benefits, where she said her last day worked was March 27, 2006.

On April 17, 2007, the insured signed the Disability Insurance Benefits claim forms.

Alternatively, Lawson is "not sure" the claimant ever received Disability Insurance Benefits, but she did not file the Unemployment Insurance Benefits claim until April 15, 2007.

BENJAMIN, Tania

June 25, 2007  
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On April 23, 2006, the insured learned of the claimant's workers' compensation claim from CNA, via copy of an acknowledgement letter of claim filed for date of loss October 7, 2005.

The insured learned that on February 13, 2006, the claimant had a required medical examination at Bay Medical Center, San Francisco, California, in order to fit a respirator. On the questionnaire, the claimant denies a history of back injury but admits to "arm weakness" and "back pain."

Bay Medical Center discharged her from treatment effective April 5, 2006.

Subsequently, the workers' compensation claim was denied but she is appealing the denial.

The claimant was not a "model" employee. She "sees financial opportunity." In April 2007, she came in for her W4 for the previous year. Lawson feels the real reason she came in was to "scope out" what is going on, since her W-4 had already been mailed.

**(2) Richard Gregory Samuelson, Foreman**

Address: 611 Juanita Avenue, Millbrae, California 94030

Telephone No.: 650/589-3455; after 5pm

Richard Samuelson was interviewed at the insured location June 11, 2007. He consented to a recorded statement.

BENJAMIN, Tanicia

June 25, 2007  
Page 21 of 26

## **WITNESS EVALUATION**

Richard Samuelson is a fairly good witness. He is pleasant, cooperative and exhibits fairly good recall.

### **He states the following.**

He is a 20-year employee. He met the claimant at work and was her Foreman on two jobs lasting three weeks and one month, respectively, including the alleged date of injury.

Her job was to deliver hot asphalt by pulling a rope that disperses it into a wheeled, 35-gallon tank. He was on a six-story roof with her that day but she was out of his view, about 100 feet away.

Around mid-day she said she was pulling the rope; it broke and she fell. She gave no details about how she fell.

Alternatively, Samuelson states the claimant said she fell backwards.

He asked if she was all right, and she said yes, it "just scared" her.

He did not offer a medical referral because she said she was all right.

He told her to fill out an incident report, which she did, but he does not know when.

He examined the broken rope. It was new probably three weeks earlier. He does not think it was defective. He thinks it broke due to wear-out from rubbing on the

BENJAMIN, Tania

June 25, 2007  
Page 22 of 26

scaffolding, which accumulates dried cement. It does not happen often but he has seen it. Sometimes the rope comes off the hook but the rope itself does not usually break. Also, the rope loses strength on higher rooftops like that one, due to more tension.

The claimant did not say if there were any witnesses. There were five or six other workers present. Samuelson does not know who was closest to the claimant but he later questioned them and no one saw the incident. Samuelson can't identify any of the employees and does not know who else was in the vicinity.

The claimant worked normally through the rest of job, another one or two weeks. Then, she went to a different crew and never worked for him again. She would ask him if she could, but he did not have enough work for her. He saw her casually and she never mentioned or exhibited any pain or discomfort of any kind.

She never discussed her medical history. She is physically strong and did the work properly. She was on time for that job. He does not know if she had attendance problem at the other job.

Samuelson thinks it got slow in the Roofing Department and she went across the street to the Water Proofing Department.

Alternatively, Samuelson "thinks" the claimant had a punctuality problem because she lives across the Bay and had been warned a few times"

He has no knowledge of a sexual harassment incident.

The claimant never discussed her outside activities.

BENJAMIN, Tanidia

June 25, 2007  
Page-23 of 26

Her vehicle is not known. She always rode a bike to work.

It disturbs him that the claimant did not mention any injury at any time. He does not know why she is now alleging she got hurt that day.

Samuelson learned she later called him a liar to Frank Lawson, alleging that she told him on the date of injury that she was hurt. He definitely recalls that she said she was all right. Otherwise, he would have sent her to the Shop to see the medical treatment center.

She filed a Union grievance one year ago, accusing Samuelson of lying, but she was no-show for the union meeting.

Alternatively, Samuelson states she did show up for the meeting but immediately turned around and left, saying she had "a problem" with her daughter.

Still alternatively, he states she sat down "for two seconds," then, said her daughter was "having problems with people," and she had to leave. She came in with Union Representative Steve Tucker, who could not explain why she left.

**(3) Wayne Michael Regalia, Field Superintendent**

Address: 2013 Brewster Avenue, Redwood City, California 94062

Telephone No.: 415/285-1661

Wayne Regalia was interviewed at the insured location June 11, 2007. He consented to a recorded statement.

BENJAMIN, Tanicia

June 25, 2007  
Page 24 of 26

## **WITNESS EVALUATION**

Wayne Regalia is an average witness. He is cooperative but has no relevant information about the claimant. He was interviewed at President Frank Lawson's request.

### **He states the following.**

He is a 24-year employee. He met the claimant at work. They had regular contact when she worked for the commercial site before she transfer across the street.

He has no direct knowledge about the claimant's alleged injury and never discussed it with her. Forman Rick Samuelson notified him two days later although he should have reported it the same day.

Regalia continued to have occasional contact with the claimant, who never indicated or appeared to have any medical problem. She looked very healthy. If she did have a medical problem it would have been appropriate for her to notify him.

He was not involved in the investigation of the injury or investigation of her claim of sexual harassment.

He feels the claimant is pursuing this claim in retaliation for the outcome of her sexual harassment complaint and subsequent, voluntary transfer to the Coating Department. He thinks she has a financial motive although he does not know if she has financial problems.

**(4) Steve Tucker, Business Agent, Roofer's & Waterproofers Local Union 40**



BENJAMIN, Tanicia

June 25, 2007  
Page 25 of 26

Address: San Francisco (150 Executive Park Blvd., Suite 3625, San Francisco, CA 94134-3309

Telephone No.: 415/508-0261

Steve Tucker was interviewed by telephone on June 22, 2006. He declined a recorded statement.

### **WITNESS EVALUATION**

Steve Tucker is an average witness. He is somewhat nervous and wary due to his union position but is still cooperative. He exhibits average recall.

#### **He states the following.**

He has had no contact with the claimant in over one year and does not believe she works in the trade any longer.

Although he had contact with her related to her sexual harassment complaint, she never indicated any work-related injury until after her workers' compensation claim was denied and she asked to be represented by the union but it was too late and time had run out.

At that time she said she was getting Disability Insurance Benefits and included hands or wrists among other complaints that he does not recall.

He has no knowledge about the claimant filing a discrimination suit against a previous employer.



BENJAMIN, Tanicia

June 25, 2007  
Page 26 of 26

He feels she filed the workers' compensation claim because she is disgruntled that she did not receive financial compensation for the sexual harassment claim. She also complained that the employee who exposed himself was fired and other people were not fired.

Although he was supposed to represent her, Tucker feels the claimant has a "vendetta" to get money after her sexual harassment complaint was denied.

#### **OTHER WITNESSES**

None

#### **CONCLUSION:**

All Investigative activity on this file has been discontinued, pending further instructions from the Client.

Should you have any questions, or wish to further discuss this matter, please feel free to call me. We appreciate this opportunity to be of service to you.

Tani Rawlings  
Client Relations

Heather Laviolette  
Claims Manager

TR/HL: hl

Case 3:08-cv-01909-SI Document 1-2  
EMPLOYMENT DEVELOPMENT DEPT  
SAN BERNARDINO PAC  
PO BOX 641  
SAN BERNARDINO CA 92402-0641

330736713 P. 4  
Filed 04/09/2008 Page 47 of 87



NOTICE OF DETERMINATION

DATE MAILED 05/14/07  
BENEFIT YEAR BEGAN 04/15/07



T L BENJAMIN 0410  
3023 ALBANY AVE APT 104  
DAVIS CA 95616

EDD TELEPHONE NUMBERS:  
ENGLISH 1-800-300-5616  
SPANISH 1-800-326-8937  
CANTONESE 1-800-547-3506  
MANDARIN 1-866-303-0706  
VIETNAMESE 1-800-547-2058  
TTY 1-800-815-9387

SSA NUMBER 570 17 0764

YOU ARE NOT ELIGIBLE TO RECEIVE BENEFITS UNDER CALIFORNIA UNEMPLOYMENT INSURANCE CODE SECTION 1256 BEGINNING 03/26/06 AND CONTINUING UNTIL YOU RETURN TO WORK AFTER THE DISQUALIFYING ACT AND EARN \$ 800.00 OR MORE IN BONA FIDE EMPLOYMENT, AND YOU CONTACT THE ABOVE OFFICE TO REOPEN YOUR CLAIM.

YOU QUIT YOUR LAST JOB WITH LAWSON ROOFING CO INC . YOU HAVE NOT SHOWN THAT THE QUIT WAS NECESSARY OR THAT YOU HAD EXPLORED ALL REASONABLE OPTIONS BEFORE QUITTING. AFTER CONSIDERING AVAILABLE INFORMATION, THE DEPARTMENT FINDS THAT YOU DO NOT MEET THE LEGAL REQUIREMENTS FOR PAYMENT OF BENEFITS. SECTION 1256 PROVIDES - AN INDIVIDUAL IS DISQUALIFIED IF THE DEPARTMENT FINDS HE VOLUNTARILY QUIT HIS MOST RECENT WORK WITHOUT GOOD CAUSE OR WAS DISCHARGED FOR MISCONDUCT FROM HIS MOST RECENT WORK. SECTION 1260A PROVIDES - AN INDIVIDUAL DISQUALIFIED UNDER SECTION 1256 IS DISQUALIFIED UNTIL HE/SHE, SUBSEQUENT TO THE DISQUALIFYING ACT, PERFORMS SERVICES IN BONA FIDE EMPLOYMENT FOR WHICH HE/SHE RECEIVES REMUNERATION EQUAL TO OR IN EXCESS OF FIVE TIMES HIS OR HER WEEKLY BENEFIT AMOUNT.

APPEAL: =

YOU HAVE THE RIGHT TO FILE AN APPEAL IF YOU DO NOT AGREE WITH ALL OR PART OF THIS DECISION.

TO APPEAL, YOU MUST DO ALL OF THE FOLLOWING:

A. COMPLETE THE ENCLOSED APPEAL FORM (DEL000M) OR WRITE A LETTER STATING THAT YOU WANT TO APPEAL THIS DECISION. IF YOU WRITE A LETTER TO APPEAL, EXPLAIN THE REASON WHY YOU DO NOT AGREE WITH THE DEPARTMENT'S DECISION. WRITE YOUR SOCIAL SECURITY NUMBER ON EACH DOCUMENT YOU SUBMIT TO THE DEPARTMENT. (TITLE 22, CALIFORNIA CODE OF REGULATIONS (CCR), SECTION 5008).



B. MAIL THE DE1000M OR YOUR LETTER TO THE ADDRESS OF THE OFFICE LISTED ON THE FIRST PAGE OF THIS DECISION.

C. FILE YOUR APPEAL WITHIN TWENTY (20) DAYS OF THE MAIL DATE OF THIS NOTICE OR NO LATER THAN 06/04/07.

YOUR HANDBOOK, "A GUIDE TO BENEFITS AND EMPLOYMENT SERVICES", GIVES MORE INFORMATION ABOUT APPEALS. IF YOU DO NOT HAVE A HANDBOOK, CONTACT THE OFFICE LISTED ON THE FIRST PAGE OF THIS NOTICE.

APPEAL INFORMATION:

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THE OFFICE OF APPEALS WILL SEND YOU A LETTER WITH THE DATE, PLACE, AND TIME OF YOUR HEARING AND A PAMPHLET EXPLAINING APPEAL HEARING PROCEDURES. AT THE HEARING, THE ADMINISTRATIVE LAW JUDGE WILL LISTEN TO YOU, EXAMINE THE FACTS, AND MAKE A DECISION. YOU MAY HAVE A REPRESENTATIVE OR SOMEONE ELSE HELP YOU.

IF YOU ARE CLAIMING CONTINUING BENEFITS:

WHILE YOU WAIT FOR THE ADMINISTRATIVE LAW JUDGE'S DECISION, YOU MUST CONTINUE TO MAIL YOUR CLAIM FORMS TO THE EDD. IF YOU DO NOT RECEIVE CLAIM FORMS OR A FORM FROM THE OFFICE OF APPEALS, CONTACT THE OFFICE LISTED ON THE FIRST PAGE OF THIS NOTICE. IF THE ADMINISTRATIVE LAW JUDGE DECIDES YOU ARE ELIGIBLE FOR BENEFITS; WE CAN ONLY PAY BENEFITS IF CLAIM FORMS WERE RECEIVED FOR THAT WEEK.

OTHER SERVICES: CONTACT EDD FOR INFORMATION ABOUT (1) JOB REFERRALS, (2) DISABILITY INSURANCE, (3) OTHER EDD SERVICES (4) SERVICES OFFERED BY OTHER AGENCIES.

DE1080 CZ REV. 1 (06-05)

(DTA)



CALIFORNIA UNEMPLOYMENT  
INSURANCE APPEALS BOARD

## NOTICE TO PARTIES

### Board Appeal

If the enclosed decision is unfavorable, you may appeal it to the California Unemployment Insurance Appeals Board. The board generally will decide the case based on the record of the hearing before the administrative law judge, without a new hearing.

Send your board appeal in writing. You **must** include your name and address, the name and social security number of any claimant who is a party, and your account number if you are an employer. If a representative files your board appeal, it must include the representative's name and address. You **may** include other information such as your telephone and fax numbers, your e-mail address, the case number of the administrative law judge's decision, and a brief statement of your reasons.

Sending a timely board appeal is the only requirement to obtain a board review and decision in your case. You may also request a copy of the record, submit written argument, or apply to submit more evidence. If you do so, it may take more time to process your case. We will send you information about these additional procedures upon request or if a board appeal is filed.

### New Hearing Request

If the enclosed decision is unfavorable, **and you did not appear in a hearing, or you withdrew your appeal**, you may request a new hearing and decision in your case. You **must** make your request, and specify your reasons, in writing. If warranted by your request, a hearing will be scheduled before an administrative law judge who will decide whether there is good cause to grant your request.

### Deadline and Address

You **must** send your board appeal or new hearing request **within 20 calendar days** after the enclosed decision was sent to you. Send it to:

CUIAB -- Sacramento Office of Appeals  
2400 Venture Oaks Way, Ste. 100  
Sacramento, CA 95833  
Phone: (916) 263-6706 Fax: (916) 263-6765

If you miss the deadline, you **must** include the reasons for your delay. A late board appeal or new hearing request will be dismissed or denied unless good cause is found for the delay.

### Claim Forms

If you are the claimant and you are still unemployed or disabled, you **must** file claim forms while your case is pending as required by EDD. If you do not have claim forms, contact EDD.

### Governing Procedure

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-Versión en español en el dorso-

EMPLOYMENT DEVELOPMENT DEPT  
SAN BERNARDINO PAC  
PO BOX 641  
SAN BERNARDINO CA 92402-0641



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DATE MAILED 05/14/07  
BENEFIT YEAR BEGAN 04/15/07



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3023 ALBANY AVE APT 104  
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DE1080 CZ REV. 1 (06-05)

(DTA)



CALIFORNIA UNEMPLOYMENT  
INSURANCE APPEALS BOARD

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-Versión en español en el dorso-



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TANICIA L BENJAMIN  
3023 ALBANY AVE APT 104  
DAVIS, CA 95616-0000



SACRAMENTO OFFICE OF APPEALS  
2400 Venture Oaks Way, Ste 100  
SACRAMENTO CA 95833

(916) 263-6706

TANICIA L BENJAMIN  
SSN: 570-17-0764  
Claimant-Appellant

Case No. 2148921

Issue(s): 1256, LATE 1

Date Appeal Filed: 07/02/2007

EDD: 0410 BYB: 04/15/2007

Date and Place of Hearing(s):  
(1) 08/15/2007 SACRAMENTO

Parties Appearing:  
Claimant

## DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 20 calendar days from the date of mailing shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call EDD at 1-800-300-5616.

Jeevan S. Ahuja, Administrative Law Judge

Date Mailed: AUG 30 2007

Case No.: 2148921

Sacramento Office of Appeals

CLT/PET: Tanicia L. Benjamin

ALJ: Jeevan S. Ahuja

Parties Appearing: Claimant

Parties Appearing by Written Statement: None

---

ISSUE STATEMENT

The claimant appealed from a determination disqualifying the claimant for unemployment benefits under Unemployment Insurance Code section 1256. The issue in this case is whether the claimant left the most recent employment voluntarily without good cause.

An additional issue is whether the appeal was filed within 20 days from the date the department's notice was mailed and, if not, whether there is good cause to extend the 20 day deadline.

STATEMENT OF FACTS

The notice of determination was mailed to the claimant on May 14, 2007. In order to be timely, the claimant's appeal was due to be filed no later than June 4, 2007. The claimant's appeal was postmarked July 2, 2007. The claimant filed her appeal about May 28, 2007. For reasons unknown, it was not received by the department. When the claimant telephoned the department to inquire about her appeal, she was advised that the department had not received her appeal. The claimant then submitted a copy of the appeal she had previously filed.

The claimant was most recently employed by Lawson Roofing as an apprentice roofer for a period of two years earning \$18.96 per hour. Her employment ended about August 17, 2006, under the following circumstances.

The claimant was injured on the job sometime in 2005. About March 2006, the claimant's doctor placed the claimant on disability; the claimant was on a leave of absence from the employer. On August 17, 2006, the claimant's doctor released the claimant to return to modified work duties with restrictions. The claimant contacted the employer, but the employer advised the claimant that the employer had no work available for the claimant with those restrictions. The claimant's restrictions continued until she applied for unemployment insurance benefits about April 20, 2007, after the claimant stopped receiving disability insurance benefits. →

## REASONS FOR DECISION

The issue of timeliness of appeal is jurisdictional. Unless an appeal is filed timely, or unless it is found that there is "good cause" under the statute for a late filing, an administrative law judge has no jurisdiction to decide the case on the merits and must dismiss the appeal. (Precedent Decision P-B-348.)

An appeal from a determination must be filed within 20 days of mailing or personal service of the notice. The time to appeal may be extended for good cause, which includes, but is not limited to, mistake, inadvertence, surprise, or excusable neglect. (Unemployment Insurance Code, section 1328.)

In the present case, since the claimant filed her appeal about May 28, 2007, and since the department did not receive that appeal for reasons unknown, and since the claimant filed a copy of her appeal in July 2007, the claimant's appeal is deemed to be timely filed.

An individual is disqualified for benefits if the individual left the most recent work voluntarily without good cause or the individual was discharged for misconduct connected with the most recent work. (Unemployment Insurance Code, section 1256.)

In Precedent Decision P-B-37 the appeals board held that in determining whether there has been a voluntary leaving or a discharge under section 1256 of the code it must first be determined who was the moving party in the separation. If the claimant left employment while continuing work was available, the claimant was the moving party. If the employer refused to permit the claimant to continue working, although the claimant was ready, willing and able to do so, the employer was the moving party.

A genuine leave of absence exists where the employment relationship continues during the leave, and the claimant and employer expect the claimant to return to the same job at the end of the leave. If the employer terminates the employment during the leave, or refuses to allow the claimant to return to work at the end of the leave, the employer is the moving party. If the claimant applies for benefits during the leave, or fails to return to work at the end of the leave, the claimant is the moving party. (*Debbe Lewis v. California Unemployment Insurance Appeals Board* (1976) 56 Cal.App.3d 729.)

In the present case, since the claimant was on a leave of absence, and since the claimant was released to return to work on modified work duties on August 17, 2006, and since the employer did not permit the claimant to return to work on August 17, 2006, the employer is deemed to be the moving party and is deemed to have terminated the claimant from her employment.

"Misconduct connected with the work" is a substantial breach by the claimant of an important duty or obligation owed the employer, wilful or wanton in character, and tending to injure the employer. (Precedent Decision P-B-3, citing *Maywood Glass Co. v. Stewart* (1959) 170 Cal.App.2d 719.)

The employer has the burden of proving misconduct. (*Prescod v. California Unemployment Insurance Appeals Board* (1976) 57 Cal.App.3d 29.)

Evidence provided by the employer fails to establish that the claimant was discharged from her most recent employment for misconduct connected with the work. Therefore, the claimant is not disqualified for benefits under code section 1256.

#### DECISION

The claimant's appeal was timely filed.

The department notice of determination is reversed on other grounds. The claimant is not disqualified for benefits under code section 1256 because she was discharged from her most recent employment for reasons other than misconduct connected with her work. Benefits are payable, provided the claimant is otherwise eligible.

BARSU:tm





Equal  
Rights  
Advocates

Since 1974, Fighting for Women's Equality

July 6, 2007

*VIA FACSIMILE AND U.S. MAIL*

Linda Scanlon, Investigator  
U.S. Equal Employment Opportunity Commission  
San Francisco District Office  
350 The Embarcadero  
San Francisco, CA 94105

Re: EEOC Charge No. 550-2006-00307  
Charging Party: Tanicia Benjamin  
Respondent: Lawson Roofing Company

Dear Ms. Scanlon,

Thank you for communicating with me yesterday, July 6, 2007, regarding the EEOC's interest in exploring settlement of Ms. Benjamin's claims against Lawson Roofing Company prior to issuing a "for cause" finding and/or engaging in a formal conciliation process. As you know, Ms. Benjamin was sexually harassed while working at Lawson Roofing Company in conjunction with her apprenticeship with the West Bay Counties Roofers/Waterproofers JATC. The unwelcomed and unwanted touching and offensive, sexually intimidating comments she endured at the hands of co-workers Zeferino Munoz, Mario Flores Avila, Leobardo Soto and Jimmy Gomez created an extremely hostile work environment for Ms. Benjamin, one of only two female workers on site. Ms. Benjamin suffered further humiliation and emotional distress when, after complaining to management, the Company retaliated against her by transferring her to the Coatings Division where she worked less hours and was ostracized by her co-workers, including Aurelio Fregoso. Finally, the Company continues to retaliate against Ms. Benjamin by refusing to allow her to return to work, even though she was released for light duty on August 17, 2006.

We have recently learned that Ms. Benjamin is not the only female worker to have filed discrimination claims against this Company. By letter dated May 19, 2005, Consultant Brenda L. Nicolas of the Department of Fair Employment and Housing contacted Ms. Benjamin regarding a complaint by Shan Hirsch. Ms. Benjamin attempted to reach Ms. Nicolas on numerous occasions but ultimately, did not reach her. I have attached a copy of this letter for your review in case you are able to learn the results of this investigation through your work share agreement with DFEH.

Linda Scanlon, Investigator  
 U.S. Equal Employment Opportunity Commission  
 July 6, 2007  
 Page 2

Finally, you suggested that I contact the attorney who is defending Ms. Benjamin's deposition with respect to her workers' compensation claim to see whether she would be interested in pursuing a joint settlement. At this time, Attorney Betty Bortin has informed me that she has not been formally retained by Ms. Benjamin and has no authority to enter any settlement discussions on Ms. Benjamin's behalf regarding any work-related injuries. Since ERA only represents Ms. Benjamin with respect to her discrimination claims, we similarly have no authority to negotiate any resolution of her work-related injuries.

I have discussed the above information with Ms. Benjamin and she has authorized me to communicate the following with respect to resolving her claims against Lawson Roofing Company:

Ms. Benjamin claims that Respondent's conduct willfully and flagrantly violated both state and federal law in the following manner:

- Ms. Benjamin was harassed and discriminated against based on her sex in violation of Title VII of the federal Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq* ("Title VII) and the California Fair Employment and Housing Act, Cal Gov Code §12495 *et seq* ("FEHA").
- Respondent retaliated against Ms. Benjamin when, shortly after she complained of sexual harassment, it transferred her to a division in which she worked fewer hours and was ostracized by her co-workers, in violation of Title VII and FEHA.
- Respondent continued to retaliate against Ms. Benjamin when, after she was cleared to return to work on August 17, 2006, it denied any further work to Ms. Benjamin, in violation of Title VII and FEHA.
- Ms. Benjamin has suffered emotional distress, including symptoms of frequent stress, worry, depression, sleeplessness, and loss of appetite, as a direct consequence of Respondent's willful and flagrant violations of her constitutional and statutory right to work in an environment free of sexual harassment and gender discrimination.

In order to resolve this matter, Ms. Benjamin makes the following offer:

1. Lawson Roofing Company will develop and implement a "zero tolerance" sexual harassment policy and provide annual training to each of its managers and workers regarding this policy. Equal Rights Advocates would be willing to provide this training.
2. Lawson Roofing Company will pay Ms. Benjamin for her lost wages as follows: \$2,000 for the 9 weeks she worked in the Coatings Division to make up for the wages she lost as a result of working fewer hours; and \$26,000 in back pay for the



Linda Scanlon, Investigator  
U.S. Equal Employment Opportunity Commission  
July 6, 2007  
Page 3

period August 17, 2006 through July 15, 2007 (assuming her current hourly rate of \$18.96 x 30 hours per week x 45 weeks), for a total of \$28,000 in back pay.

3. Lawson Roofing Company will pay Ms. Benjamin \$30,000 for her emotional distress damages,
4. Lawson Roofing Company will pay Ms. Benjamin for her reasonable attorneys fees and costs.

In light of the Company's blatant disregard for the law and the significant loss of income and emotional distress Ms. Benjamin has suffered, this demand is reasonable. We firmly believe, should this case proceed to litigation, that the Company could be ordered to pay significant punitive damages for its willful behavior.

Sincerely,



Debra A. Smith



2594 Oakdale Avenue P.O. Box 54022 San Francisco, CA 94124

Tel 415•648•6472 800•822•6648 Fax 415•648•5164

License #180533

August 21, 2002

If you are not already aware of the fact, we thought that you would like to know that we have several heroes working for us – Samir Aguilar and Santos Mora. These two workers on Ruben Rodriguez's crew at the Rockridge BARTD Station, on the eve of August 13<sup>th</sup>, risked their own safety to jump onto the tracks in front of an on-coming train to rescue an intoxicated individual from certain death.

Thanks to Tanisha Benjamin, also working on Ruben's crew, Samir and Santos were alerted to the fact that the person was on the tracks in enough time for them to effect a rescue.

We are very proud of our Western Roofing heroes!

SAN FRANCISCO POLICE DEPARTMENT  
CRIMINAL HISTORY RECORD

DATE: 03/27/2008

SFNO: S475290

FROM: ID01

\*\*\*\*\*  
RELEASE OF THIS RECORD TO UNAUTHORIZED PERSONS IS A MISDEMEANOR PER SEC 11142PC  
RELEASED TO: RELEASED BY: RELEASE DATE:  
\*\*\*\*\*

## \*\*\*\*\* SUBJECT \*\*\*\*\*

\* NAME: BENJAMIN/TANICIA/LATUNYA \*  
\* RACE: B \*  
\* SEX: F HGT: 511 HAIR: BK \*  
\* DOB: 05-28-1968 WGT: 170 EYES: BR \*  
\* ADDR: 471 SAWYER POB: CA \*  
\* SCARS: \*  
\*\*\*\*\*

## \*\*\*\*\* ID NUMBERS \*\*\*\*\*

\* CII: 07988289 \*  
\* FBI: 572693PA5 \*  
\* SSN: \*  
\* OPLIC: A8116776 \*  
\* HFPC: \*  
\* \*  
\*\*\*\*\*

\*\*\*\*\*  
TEXT: BURGLARY, AUTO THEFT  
\*\*\*\*\*

03-13-1992 COURTNO: 01365093 RPTNO: 920404073 STAR: 0106/0000 SCN:  
ARREST LOCATION: 0285 /WINSTON /DR

6871958 03-13-1992 484 (A) PC/M PETTY THEFT  
DISP: 04-04-1994 MC  
DISMISSED ON MOTION OF DISTRICT ATTORNEY

6871958A 03-13-1992 490,5PC/M PETTY T RETAIL MERCHANDISE/ETC  
DISP: 03-13-1992  
NO COMPLAINT FILED IN SUPERIOR COURT

03-13-1992 COURTNO: 01365091 RPTNO: 920404073 STAR: 0000/0000 SCN:  
ARREST LOCATION: OUT OF TOWN

6871957 03-13-1992 484 (A) PC/M PETTY THEFT  
DISP: 04-04-1994 MC  
DISMISSED ON MOTION OF DISTRICT ATTORNEY

6871957A 03-13-1992 490,5PC/M PETTY T RETAIL MERCHANDISE/ETC  
DISP: 03-13-1992  
NO COMPLAINT FILED IN SUPERIOR COURT

04-08-1992 COURTNO: 01366282 RPTNO: 920554731 STAR: 1911/0000 SCN:  
ARREST LOCATION: 0865 /MARKET /ST

D232546 04-08-1992 484 (A) PC/M PETTY THEFT  
DISP: 04-09-1992  
DA DISCH - LACK OF CORPUS

D232547 04-08-1992 490,5PC/M PETTY T RETAIL MERCHANDISE/ETC  
DISP: 04-09-1992  
DA DISCH - LACK OF CORPUS

06-22-1992 COURTNO: 01383340 RPTNO: 920966114 STAR: 1442/0000 SCN:  
ARREST LOCATION: 0376 /JESSIE /ST

D259412 06-22-1992 148,9 (A) PC/M FALSE ID TO PEACE OFFICER

DISP:06-24-1992

DISMISSED ON MOTION OF DISTRICT ATTORNEY

D259410 06-22-1992 484(A)PC/M PETTY THEFT

DISP:06-24-1992 MC CHG:484A4905PC/M

CJ: 008D

D259411 06-22-1992 490,5PC/M

PETTY T RETAIL MERCHANDISE/ETC

DISP:06-24-1992

DISMISSED ON MOTION OF DISTRICT ATTORNEY

06-23-1992 COURTNO:01365093 RPTNO:920404073 STAR:0000/0000 SCN:  
D276142 06-23-1992 6871958BW/I W#402105,484A4905PC

07-17-1992 COURTNO:01388022 RPTNO:921104098 STAR:1088/0432 SCN:  
ARREST LOCATION:OUT OF TOWN

D267747 07-17-1992 466PC/M

POSSESS/ETC BURGLAR TOOLS

DISP:04-04-1994

DISMISSED ON MOTION OF DISTRICT ATTORNEY

D267746 07-17-1992 459PC/F

BURGLARY FIRST DEGREE

DISP:04-04-1994

DISMISSED ON MOTION OF DISTRICT ATTORNEY

D267747A 07-18-1992 484(A)PC/M PETTY THEFT

DISP:04-04-1994 MC CHG:484A4905PC/M

DISMISSED ON MOTION OF DISTRICT ATTORNEY

05-07-1993 COURTNO:01445592 RPTNO:930827493 STAR:2092/0000 SCN:  
ARREST LOCATION:OUT OF TOWN

I243479 05-07-1993 459PC/F BURGLARY

DISP:04-04-1994 MC CHG:459PC/M PB:CT/003Y

JCOP: 008D CJS :006M

I243479A 05-08-1993 484490,5PC/M PETTY THEFT

DISP:04-04-1994 MC

DISMISSED ON MOTION OF DISTRICT ATTORNEY

05-08-1993 COURTNO:01383340 RPTNO: STAR:0000/0000 SCN:  
ARREST LOCATION:HOJ

I243682 05-08-1993 D259410BW/I W#406403,484A4905PC

05-08-1993 COURTNO:01365093 RPTNO: STAR:0000/0000 SCN:  
ARREST LOCATION:HOJ

I243683 05-08-1993 6871958BW/I W#418281,484A4905PC

03-30-1994 COURTNO:01383340 RPTNO: STAR:1514/0000 SCN:  
ARREST LOCATION:OUT OF TOWN

L229262 03-30-1994 D259410BW/I W#425902,484A4905PC

03-30-1994 COURTNO:01365093 RPTNO: STAR:1514/0000 SCN:  
ARREST LOCATION:OUT OF TOWN

L229263 03-30-1994 6871958BW/I W#425903,484A4905PC

03-30-1994 COURTNO:01445592 RPTNO: STAR:1514/0000 SCN:

ARREST LOCATION:OUT OF TOWN

L229260 03-30-1994 I243479BW/I W#425900,459PC

03-30-1994 COURTNO:01388022 RPTNO: STAR:1514/0000 SCN:  
ARREST LOCATION:OUT OF TOWN

L229261 03-30-1994 D267746BW/I W#425901,459PC

03-30-1994 COURTNO:01365091 RPTNO:920404073 STAR:1514/0000 SCN:  
L229354 03-30-1994 6871957BW/I W#402104,484A4905PC

03-30-1994 COURTNO:01503624 RPTNO:930827493 STAR:0000/0000 SCN:  
ARREST LOCATION:0850 /BRYANT /ST

L229450 03-30-1994 ENROUTEXX/F SACPDW#93M11035\$3K459,978APC

06-01-2000 COURTNO:01926341 RPTNO:000647806 STAR:1083/0000 SCN:  
ARREST LOCATION:0557 /WISCONSIN /ST

B250811 06-01-2000 10851VC/F TAKE VEHICLE W/O OWNERS CONSENT  
DISP:06-02-2000  
DA DISCH - LACK OF EVIDENCE

06-08-2000 COURTNO:01927514 RPTNO: STAR:0000/0000 SCN:  
ARREST LOCATION:0112 /12TH /ST

B252974 06-08-2000 PAROLEXX/F ER 3056PC ONLY W80738 NB

\*\*\*\* FOR "AKA" OR ADDITIONAL ADDRESS INFORMATION, USE A "QPA" TRANSACTION \*\*\*\*

This is a true copy of the	
San Francisco Police Record	
of <u>Benjamin / Danika / Latunka</u>	
Date of Birth	<u>05-28-74 69</u>
as of this date	<u>MAR 27 2008</u>
Rank	<u>Det</u> <u>78</u>

STATE OF CALIFORNIA - State and Consumer Services Agency

Arnold Schwarzenegger, Governor

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING****121 Spear Street, Suite 430****San Francisco, CA 94105****(415) 904-2303 FAX (415) 904-2310**

May 19, 2005

Ms. Tanicia Latonya Benjamin  
471 Sawyer Street  
San Francisco, CA 94134

RE: E200304 A-1577-00SE  
HIRSCH/Lawson Roofing Company, Inc.

Dear Ms. Benjamin:

I am a consultant assigned to investigate the complaint, cited above, filed by Shan Hirsch against Lawson Roofing Company, Inc. I have attempted to contact you numerous times by telephone since 5/12/05 and left phone messages, and you have returned my calls twice and left phone messages. Please contact me at (415) 904-2313 by May 25, 2005. If you are unable to reach me, please leave a phone number and the best time to contact you, on my phone machine and/or contact the receptionist at (415) 904-2306 and request that she physically locate me.

Thank you in advance for your cooperation and expeditious action in this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Brenda L. Nicolas'.  
BRENDA L. NICOLAS  
Consultant





**Equal  
Rights  
Advocates**

Since 1974, Fighting for Women's Equality

November 9, 2006

**RECEIVED**

NOV 13 2006

**EEOC-SFDO**

Investigator Linda Scanlan  
Equal Employment Opportunity Commission  
San Francisco District Office  
350 The Embarcadero, Suite 500  
San Francisco, CA 94105

Re: EEOC Charge No. 550-2006-00307  
Charging Party: Tanicia Benjamin  
Respondent: Lawson Roofing Company

Dear Investigator-Scanlon:

Enclosed please find the original and one copy of the Supplemental and Amended Charge of Discrimination of Tanicia Benjamin, signed by the Charging Party. Please file the enclosed Supplemental and Amended Charge, and return the file-stamped copy to us in the enclosed, self-addressed envelope. The amendment includes additional charges for discrimination on the basis of race. We request that the box for discrimination based on "Race" be checked on the original charge. Also, ERA requests that in the section of the original charge indicating the dates the discrimination took place, the box alleging "Continuing Action" be checked to indicate continuing discrimination and retaliation.

Equal Rights Advocates is now representing Ms. Benjamin regarding the matters at issue in her EEOC Charges. Please direct all future correspondence to this office at the above address.

We look forward to discussing the respondent's response to Ms. Benjamin's charge. We can provide you with any additional documents or information you may need. Please call me at your earliest convenience. Thank you for your assistance in this matter.

Sincerely,

M. Adrienne De Castro

Enclosures





**Equal  
Rights  
Advocates**

Since 1974, Fighting for Women's Equality

**RECEIVED**

APR 16 2007

EEOC-SF00

April 12, 2007

Investigator Linda Scanlan  
Equal Employment Opportunity Commission  
San Francisco District Office  
350 The Embarcadero, Suite 500  
San Francisco, CA 94105

Re: EEOC Charge No.: 550-2006-00307  
Charging Party: Tanicia Benjamin  
Respondent: Lawson Roofing Company

Dear Investigator Scanlan:

I write in response to our telephone discussion on March 13, 2007, to address some concerns you raised regarding Tanicia Benjamin's work experience with Lawson Roofing Company.

Equal Rights Advocates (ERA) has chosen to represent Tanicia because as a women's rights organization, we recognize that women in the trades face particularly harsh discrimination. ERA recognizes that while work place rights exist for women, the trades remain a stagnated environment still rife with gender discrimination and sexual harassment—both of which have greatly contributed to the compelling paucity of tradeswomen and the continuingly precarious job site where these women work.

Tanicia is just one of several tradeswomen who have come to ERA seeking to assert their rights against sexual harassment on the job. While Tanicia is filing her case solely on behalf of herself, her experience, sadly, is far from isolated.

In fact, the harassment exacted upon Tanicia while an employee at Lawson Roofing Company, has forced her, like many other tradeswomen, to leave her trade. After six years of being an Apprentice Roofer and being the sole remaining female apprentice in her class, Tanicia is leaving her trade because she is afraid of the harassment and physical danger she may experience at the hands of her male co-workers if she continues roofing.

I have spoken with Tanicia about some of your concerns and would like to respond to them accordingly.

Linda Scanlan, Investigator  
 April 12, 2007  
 Page 2

#### Transfer from the Roofing Department to the Coatings Department

As you know, Tanicia was transferred from the Roofing Department to the Coatings Department on or about January 16, 2006. This occurred less than one week after she met with the owner of the company and others to discuss the sexual harassment she was experienced. Tanicia believes she was transferred to the Coatings Department in retaliation for making complaints about sexual harassment. Tanicia's belief was affirmed when the transfer to the new department, occurring so soon after she complained about sexual harassment, resulted in lesser hours and thus less pay. See Section 704(a) of Title VII, "it shall be an unlawful employment practice for an employer to discriminate against any individual....because he has opposed any practice made an unlawful practice employment practice under this title." *Holland v. Jefferson Nat'l Life Ins. Co.*, 883 F.2d 1307, 1314-1315 (7<sup>th</sup> Cir. 1989) (for purpose of establish a prima facie case, the "telling" temporal sequences of events – plaintiff's complaint followed shortly by adverse employment decisions – demonstrates a causal link); *Grant v. Bethlehem Steel Corp.*, 622 F.2d 43, 46 (2d Cir. 1980) ("Courts have recognized that proof of causal connection can be established indirectly by showing that protected activity is followed by discriminatory treatment.")

#### Lawson Roofing Company's Motivation for Tanicia's Transfer

From our conversation, I understand that you had some concerns about what Lawson Roofing Company's motivation was in transferring Tanicia so soon after she complained about sexual harassment. First, Tanicia assures me that she did not want to be transferred to the Coatings Department. Tanicia certainly understood that the primary harasser – Zeferino Munoz – had family members in the Roofing Department that may be angry at her for making complaints of harassment against him. However, Tanicia did not voice these concerns about Mr. Munoz's family members until after she was transferred. Moreover, after the hostile and bullying interactions she had with her employer, Tanicia believed that she may still be subject to sexual harassment regardless of which department she worked. Because of these unreceptive interactions she had with her employer, Tanicia did not feel like she had a choice. As you recall, she was first told she would be transferred and then only afterwards asked if she wanted to be transferred. Given the tension in the workplace, her recent complaint of sexual harassment, and her employer's reaction to her complaint, Tanicia felt as though she had no choice but to comply with the transfer.

While Tanicia's transfer to the Coatings Department may have shielded her from additional sexual harassment from Mr. Munoz's family members, Tanicia still felt alienated and singled out in the Coatings Department. A co-worker informed her that Mr. Lawson instructed the employees not to speak to Tanicia. Thus, while Lawson Roofing may have transferred Tanicia to protect her from Mr. Munoz's family members, Tanicia still believes that the transfer and resulting isolation and lesser hours were in retaliation for her complaints about sexual harassment. See *Price Waterhouse v Hopkins*, 490 U.S. 228, 252 (1989), ("an employer may not...prevail in a mixed-motives case by offering a legitimate and sufficient reason for its

Linda Scanlan, Investigator  
April 12, 2007  
Page 3

decision if that reason did not motivate it at the time of the decision. Finally, an employer may not meet its burden in such a case by merely showing that at the time of the decision it was motivated only in part by a legitimate reason.”)

I hope this letter addresses some of your concerns. ERA is strongly committed to assuring that women in the trades, like Tanicia, are empowered to assert their rights in a male-dominated profession. I look forward to discussing the next steps we can take to resolve Tanicia’s situation.

Sincerely,

  
M. Adrienne De Castro

Enclosures

**LITTLER MENDELSON®**

April 17, 2006

William F. Terheyden  
Direct: 415.677.3135  
Direct Fax: 415.743.6605  
wfterheyden@littler.com

Terry G. Knapp  
Office Automation Assistant  
Equal Employment Opportunity Commission  
350 The Embarcadero Center, Suite 500  
San Francisco, Ca 94105

Re: Tanicia Benjamin v. The Lawson Roofing Co., Inc.  
EEOC No. 550 2006 00307

Dear Ms. Knapp:

The following is the Response of The Lawson Roofing Co. to the Request for Information relating to the Notice of Charge of Discrimination dated February 21, 2006.

1. The Lawson Roofing Co., Inc.
2. The Company employed 132 employees on June 1, 2005. It employed 128 employees on February 21, 2006 and currently has 120 employees. Of the described total of employees, it has 17 office and managerial staff employees, 12 roofers in the Residential Department and 14 waterproofers in the Coating Department. The balance of employees are roofers and waterproofers in the Commercial Department.
3. Lawson Roofing's corporate structure is as follows: Frank Lawson Jr.-President, Richard Lawson-Sr. Vice-President, and Don Ceresa-Vice-President. It employs a controller and three administrative employees, two warehouseman, two residential salesman, one coating salesman, three commercial estimators and three field superintendents. All field workers are assigned to a crew foreman who reports to one of the three Field Superintendents. The Field Superintendents report to the respective project managers that manage an assigned project.
4. It is a full service roofing and waterproofing contractor.
5. It is a California corporation.
6. It has no current contract with any federal agency, and did not have any at the time of the alleged incidents.
7. See separate Position Statement.



Terry G. Knapp  
April 17, 2006  
Page 2

8. A copy of the Company's Harassment policy is attached.

Issue: Sexual Harassment

1. The Company did not tolerate sexual harassment in any form at the time of the charge. It has a sexual harassment policy, a copy of which is attached, that has been disseminated to all employees.

2. Only Charging Party has complained.

- a. Tancia Benjamin, Coatings Department, formerly in Commercial Roofing and Waterproofing Department.
- b. Ms. Benjamin filed an oral complaint of sexual harassment with Dan Siri on January 5, 2006. A written complaint, a copy of which is enclosed, was filed January 6, 2006 with Mr. Siri.
- c. Zeferino Munoz, Jose Aviles-Renderos, Mario Flores-Avila and Leo Soto.
- d. Co-workers.
- e. It was alleged by Ms. Benjamin that:  
  
Mr. Munoz exposed his private parts to Ms. Benjamin on two separate occasions while on the job.  
  
Mr. Soto touched her breast once on the job.  
  
Mr. Avilez-Renderos touched her between her legs while on the job.  
  
Mr. Flores-Avila touched her shoulder while riding in the truck coming from a job site.
- f. See response to e.
- g. The Company began its investigation of Ms. Benjamin's charges. It held a meeting on January 10, 2006 with all employees named to inform them that they would be interviewed one-on-one by management personnel with a representative from the Roofers Local No. 40, Steve Tucker, Business Agent, present during each interview. All of these employees are represented by Local 40. A Spanish-speaking interpreter was provided for those who requested it. The

Terry G. Knapp  
April 17, 2006  
Page 3

Company interviewed Ms. Benjamin, the alleged victim of the harassment, the four above-named individuals who were alleged to have harassed her, as well as witnesses whom she named and the crew foreman.

- h. The alleged witnesses were: Lazaro Rauda, Jimmy Gomez and Jesus Diaz. They are all males.
- i. Mr. Munoz was terminated. Messrs. Soto, Flores-Avila and Aviles-Renderos were warned that Lawson Roofing does not condone sexual harassment and that if they are found to engage in sexual harassment they will be terminated. The three were directed to attend sexual harassment training along with the entire shop for a class held at our office on January 20, 2006. Ms. Benjamin was advised of the actions taken.

Copies of the relevant documents are attached.

3. Only Charging Party has complained of sexual harassment by Mr. Munoz, Mr. Aviles-Renderos, Mr. Flores-Avila and Mr. Soto. There was no complaint against Mr. Gomez.

4. Copies of documents relating to the Company's investigation of Charging Party's allegations of sexual harassment are attached.

Issue: Retaliation

1. The people in the Company's organization who are aware of the sexual discrimination allegations are as follows: Frank Lawson Jr., Richard Lawson, Dan Siri (Field Supt.), Wayne Regalia (Field Supt.), Zeferino Munoz, Jose Aviles-Renderos, Mario Flores-Avila, Leo Soto and Jimmy Gomez, Lazaro Rauda and Jesus Diaz. Messrs. Lawson, Lawson, Siri and Regalia became aware of the allegations of Charging Party on or about January 5-6, 2006.

2. See Report of investigation dated January 16, 2006 enclosed.

Ms. Benjamin accepted the Company's offer to transfer to the Coatings Department. See letter dated January 16, 2006 to Ms. Benjamin enclosed.

3. Tanicia Benjamin's hours are different this year versus last year due to a number of reasons: rain or other inclement weather preventing the job she was assigned from being worked; slow down in company work load versus last year causing lack of work. The Company has enclosed a schedule for the Coating Department in which she works which

Terry G. Knapp  
April 17, 2006  
Page 4

shows who worked each day through mid-March 2006 and sets forth the reasons why they did not work. As you can see, there never was a day in 2006 when Ms. Benjamin was the only employee not working; at least one other employee was off for the same reason on the days that she was off. Furthermore, four male employees in the Coating Department had more total days off during this period for lack of work and inclement weather than did Ms. Benjamin.

4. See Report and other above-referenced documents enclosed.

Very truly yours,

A handwritten signature in black ink, appearing to read "William F. Terheyden". The signature is fluid and cursive, with a large, sweeping initial "W".

William F. Terheyden

WFT:rac

Enclosures

cc: The Lawson Roofing Co.



**LITTLER MENDELSON®**

MAR 23 2006

March 17, 2006

William F. Terheyden  
Direct: 415.677.3135  
Direct Fax: 415.743.6605  
wfterheyden@littler.com

**VIA FACSIMILE AND U.S. MAIL**

Terry G. Knapp  
Office Automation Assistant  
Equal Employment Opportunity Commission  
350 The Embarcadero Center, Suite 500  
San Francisco, CA 94105

Re: Tanicia Benjamin v. Lawson Roofing Co.  
EEOC No. 550 2006 00307

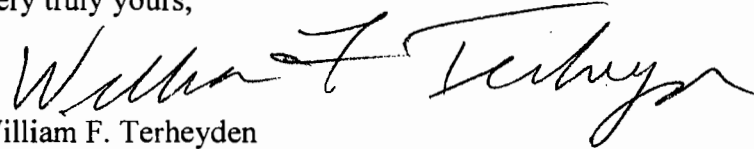
Dear Ms. Knapp:

Lawson Roofing Co. hereby requests a one month extension of time to submit its position statement and response to request for information now due March 23, 2006. The new due date will be April 21, 2006.

The extension is necessary as I have just been retained on this matter for Lawson Roofing Co. and will be out of the country on the current due date. There has been no prior request for an extension of time.

Thank you for your courtesy in this matter.

Very truly yours,

  
William F. Terheyden

WFT/rac

cc: Lawson Roofing Co.

Firmwide: 80916902.1 051068.1000



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**San Francisco District Office**

350 The Embarcadero, Suite 500  
San Francisco, CA 94105  
(415)625-5601  
TTY (415)625-5610  
FAX (415)625-5609  
TOLL FREE (800) 669-4000

Tanicia Benjamin  
c/o Debra A. Smith  
Equal Rights Advocates  
1663 Mission Street, Suite 250  
San Francisco, CA 94103

**RECEIVED**

**NOV 09 2007**

**EQUAL RIGHTS ADVOCATES, INC.**

Re: Benjamin v. Lawson Roofing Company  
Charge No. 550-2006-00307

Dear Ms. Benjamin:

The Commission has determined that efforts to conciliate the above-referenced case have been unsuccessful. Accordingly, the case has been transferred to the Regional Attorney, San Francisco District Office, for review to determine whether the Commission will bring a civil action in Federal District Court based on the charge of discrimination. A determination should be forthcoming in the near future.

If the Commission decides to bring a civil suit, you have the right to intervene in such an action. If the Commission decides that it will not bring a civil action based on your charge, you will be notified and sent a Notice of Right to Sue, which will entitle you to sue the Respondent in Federal District Court.

If you have any questions regarding your case, please contact William Tamayo, Regional Attorney, at (415) 625-5645.

On behalf of the Commission:

**NOV - 8 2007**

Date

A handwritten signature in cursive script, appearing to read "H. Joan Ehrlich", is written over a horizontal line.

H. Joan Ehrlich  
District Director

Interview of Tenicia Benjamin  
January 9, 2007

CP states that she did complaint about Gomez sexually harassing her in November 2005. She complained verbally to Victor Jaria that Gomez had said he wanted to take a shower with her. This occurred at 4<sup>th</sup> and Barry.

CP says that Victor told Dan Siri about this harassment and then told her he had told Siri. Victor then told her that he had gone to Donald Serrica, the project Manager, about it.

She saw Donald call Victor and Jimmy Gomez to his office. Donald Serrica then told CP's sister that CP was a "pushover" and a "wuss".

CP said that Munoz exposed himself to her in the structure at 4<sup>th</sup> and Barry. Mario touched her in the truck going back to the office.

The seat of the dump truck was occupied thus:

Driver (Richard Samuelson), then next to him was Mario Flores-Avila, then next to him was Jesus Diaz, and then CP was against the passenger door. CP states that Mario reached around Jesus and touched her on the shoulder. He was squeezing her shoulder, sort of like massaging it, while he was talking to her.

Samuelson didn't do anything to her, but would not make a good witness because he was concentrating on his driving and was focused on the road.

Leo Soto grabbed her breast while they were walking past each other on a roof. CP confronted Soto and told him she didn't appreciate what he did, but he just denied doing anything. Again, Samuelson probably didn't see anything because he was with another group on the roof.

CP says that she was forced to write the letter of complaint. She had gone to R to complain about Raul Prado threatening her when he said "shut the fuck up" and "Im tired of your shit" Dan Siri told her to write the letter. CP sat outside his office door and wrote the two page letter. She doesn't know why she didn't mention Raul in the letter if that's who she originally went there to complain about. Dan forced her to write this letter. She gave the finished letter to Richard Lawson. They called her into the office. There was Richard Lawson, Frank Lawson, Dan Siri, Steven Tucker (from the union) and CP.

Frank Lawson investigated her allegations. He wrote down the notes of her interview then had her sign them. She didn't get a chance to read them first and was forced to sign whatever was said. CP denies saying she wanted to see Zeff's penis. When asked why she didn't tell him "no" when he started to show her, CP said in what she considered to be a sarcastic voice, "Maybe I wanted to see it." R's notes make it appear that she said this in response to the question. CP received a copy of the handwritten interview notes a few days later.

CP says she didn't ask to be moved. Frank Lawson told her that he was moving her to the Coating Department. Later, he told her that if she didn't want to go she didn't have to. CP says that Zeff had 4 brothers and several friends working for the roofing department. R never said it was concerned for her safety, but she was uneasy about it, so she just did what she was told and moved to the other department. She would have preferred to stay in roofing with all of Zeff's relatives and friends because the department makes more money. R never offered to move her to the private roofing department.

CP started in roofing in March 2004 and stayed there until she was moved to the Coating department in January 2006. Payroll records that CP showed me make it look like CP only worked about one or two days a week in January 2006. CP believed she worked more than that.

CP said that her first day was January 16. She worked that day, then came in and worked January 20. CP was told she could lock the door to her changing room while she was in it, but not to lock it behind her when she left because they didn't have a key to the room. CP changed her clothes on January 20 and believes she left the door unlocked but when she returned to her changing room at the end of the day, the door was locked. CP has no idea who locked the door. CP claims that her clothes and her other belongings were locked in this room, so she had to call her mother to take her home. Since this was a Friday, she wasn't able to get her driver's license, or any credit cards until the next Wednesday, January 25. CP claims that her mother drove her to and from work on Monday and Tuesday while R was trying to get a locksmith out there to get into the room. On Wednesday, the locksmith was able to replace the lock but gave the new key to R. CP states she never had a key to this room. R denies all of this and states CP was issued a key to the dressing room when she was moved to the Coatings department. Payroll records show that CP worked 12 hours the week of the 16<sup>th</sup> and 16 hours the week of the 23<sup>rd</sup>. CP said she probably worked four 4-hour days.

CP believes she was replaced by a level 1 apprentice. She said that she hasn't learned anything in the time she has been in the apprenticeship program, although R considers her to be a level 6 apprentice.

CP states she injured her wrist and her back on October 7, 2005. She went to the doctor but didn't miss any work. She went into the doctor in February 2006 about her back and then again in April 2006. She has been off work on medical leave since April 7, 2006.

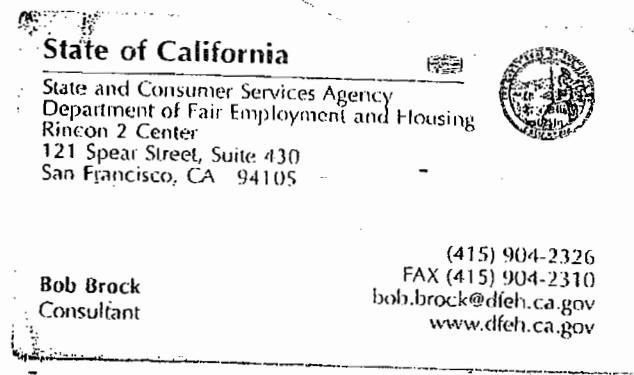
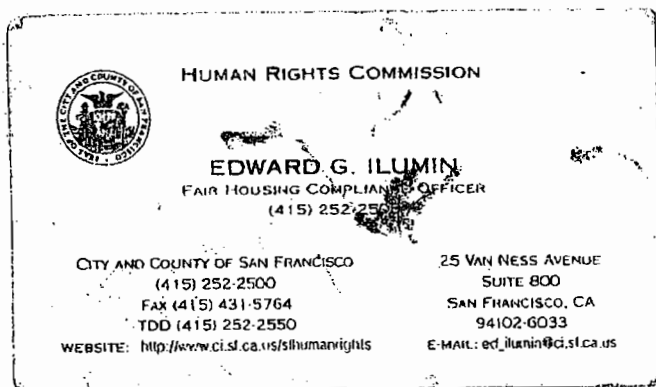
Her doctor released her to return to work in September to light duty. She cannot lift, bend, twist, or any of those things. R refused to find her a job to do. Her duties require her to lift, twist, bend, etc. CP states she believes those restrictions were in effect for one year. She will send me copies of her medical documents regarding this and the time she was out.

CP was issued disciplinary notices for tardiness on April 7, 2006. The alleged tardiness occurred in March 2006, but CP denies being late. She states that they do not clock in or keep track of the time that they arrive, so R couldn't prove she was late those 2 days. CP said that she went on state disability that day because of her back and wrist and has not returned.

R fired Zeff on 1/12/065. Wayne Regalla, the Superintendent, told CP to go out onto the yard while they dealt with him. One of the managers walked with her around the perimeter of the yard and when they came back in, Zeff had been fired and had left. CP says that Zeff's brother yelled something in Spanish at her after work one day. She reported this to her supervisors, but they didn't do anything about it. She doesn't know what he said to her since she doesn't speak Spanish.

CP states that a coworker, Michael Nieve, told her that "they" told him not to talk to her. She doesn't know who "they" referred to.





NO.

Date. 10/3/07

FLELLID BETTLE

I've put together partial materials including 170 not yet finished twenty-six page response.

1. PAY CHECK STUBS

2. HOLIDAY CARDS SENT TO ME BY CAPT. OBER.

3. TWO LETTERS THANKING ME FOR TWO SEPARATE SATURDAYS OF VOLUNTEERING.

4. A LIST OF CD WORKERS NAMES SO THAT I DON'T MIS SPELL ANY OF THEM ONCE WE AGREE WITH HIM TO CALL AS WITNESSES.

5. LAWSON'S SCHEDULE FOR YOUR KNOWLEDGE.

6. MY CERTIFICATES FROM JOB CORPS SINCE THORNS ARE BEING STUCK INTO MY CHARACTER.

7. INTERVIEW WITH FRANK LAWSON TO ZEPHERINO MURIOZ AND MYSELF WHICH CLEARLY STATES I ABSOLUTELY DON'T ASK TO SEE HIS URGENCY.

8. BOJOW'S APOLOGETIC LETTER TO ME FROM FRANK LAWSON AFTER ZEPHERINO MURIOZ WAS TERMINATED.



NO.

Date.

SPENDING AND BECAUSE I ONLY WORK TWO MONTHS OUT OF A YEAR WHICH WAS COMPLETELY UNFAIR. I DECIDED TO BRING ALL MY PAY CHECK STUBS TO STEVE AND I WAS TOLD THATS THE WAY WESTERN ROOFING IS. THEY DID NOT GIVE RAISES I WORKED FOR THIS COMPANY THREE YEARS WITH ABSOLUTELY NO GROWTH. STEVE TUCKER KNEW THIS COMPANY HAD VIOLATED LOCAL 40'S RULES AND REGULATIONS I DID SEEK OTHER RESOURCES FOR HELP HUMAN RIGHTS DEPARTMENT FAIR EMPLOYMENT AND HOUSING AND THE LABOR BOARD COMMISSION.

12. INVESTIGATIVE REPORT DONE BY A COURT INVESTIGATOR TO DETERMINE GUARDIANSHIP OVER BOTH MY NIECES I FEEL THIS IS RELEVANT INFORMATION BECAUSE IT PROVES TO ME THAT TOUGH GURLDON YESTERDAYS RAP SHEET AND IT WILL GIVE YOU A LITTLE MORE LIGHT ABOUT ME. THE INVESTIGATOR MR. I AMICELL A SAW I PROVIDED A SAFE HAVEN FOR MY GIRL AND THAT THEY WERE CLEAN WELL NOURISHED HEALTHY CHILDREN. HE MOST DISTINCTLY SAW ME AS FATHER I WAS HONEST FAIR OPEN AND GENUINE

NO.

Date.

COMPLAINTS TO STEVE AND NO ACTION WAS  
EVER TAKEN AGAINST THE COMPANY. HOW-  
EVER DAVE & I SPOKE TO STEVE HE ASKED ME WHEN  
HAVE YOU BEEN LEAVING MESSAGES ON YOUR MAIL  
HINE BRUCE HAS ALSO TRIED TO CONTACT YOU  
AND WAS DID YOU GO DOWN TO LAWSON GET YOUR  
FILL OUT THE APPLICATIONS BECAUSE I'M TAKING  
YOU OUT OF WESTERN ROOSTING. AREN'T YOU HAPPY  
NOW YOU GET ALL YOUR RAISES IT'S A MUCH BETTER  
COMPANY IN FACT LAWSON IS ONE OF OUR TOP  
CONTRACTORS. THERE WILL BE A LOT OF TREAT YOU  
GOODS YOU'LL LIKE WORKING FOR THEM THERE  
AH, ANYTHING LIKE WESTERN ROOSTING. STEVE  
NEVER DAVE LOANED ME HIS LOCAL AD HELPING  
HANDS. HE KNEW LAWSON WAS IN DEEP TROUBLE  
BECAUSE OF THE FINAL C WORKER THAT DAVE  
DID THE WORK SITE SCREAMING AND CRYING ABOUT  
THE FLORISIC TREATMENT SHE RECEIVED. I  
THOUGHT I WAS FIRED FOR THE EXACT REASON  
STEVE CONVEYED TO ME. I HAD NO IDEA  
I WAS TALKING IN A MAJOR VOICE.

M. EVALUATION PAY INCREASE FORM. THIS  
FORM WAS SENT TO MY FORMER EMPLOYER BY  
A.P. ASKING THAT I BE MOVED TO LEVEL 4  
BECAUSE I'D COMPLETED THE REQUIRED HOURS  
THE COMPANY GAVE ME A DOLLAR RAISE DUE  
THE FIRST YEAR WHILE WORKING IN THE PROJECT  
ON POTRERO HILL AFTER EXPERIENCING PROBLEMS  
WITH THE RESIDENTS I WAS ASKED TO ACT  
AS SUPERVISOR. HOWEVER THE COMPANY DENIED  
MY RAISE TO BE MOVED TO LEVEL 4 THEY RE-

NO.

Date.

9. LAWSON'S HARASSMENT POLICY. PLAS  
BE ADVISED ON FRIDAY JANUARY 20, 2006  
FRANK LAWSON THE PRESIDENT OF LAWSON  
RODGING FIELD A SEXUAL HARASSMENT  
MEETING WHICH INCLUDED ALL EMPLOYEES  
FROM THE COMPANY, OFFICIALS AND LOCA  
40'S BUSINESS AGENT STEVE TUCKER. THE  
LAWSON'S HARASSMENT POLICY'S STARTS WERE  
PASSED AROUND TO EVERYONE PRESENT. TRA  
READ LINE AFTER LINE AS EVERYONE FOLLOW  
ALONG. IN THE TWENTY SIX PAGE PERSONAL  
ATTACK STATEMENT I WRITTEN ABOUT ME, FRANK  
MADE MENTION THAT MYSELF AND THE  
GUYS OR AT LEAST HE MADE IT SEEM AS THOUGH  
THE ONLY PEOPLE WHO BELIEVE S.H.T. WERE MY-  
SELF AND THE GUYS WHOM WERE INVOLVED IN  
MY S.H.C.

10. LETTER FROM DITCH-TM ONE OF TWO FEMALE  
WHOM I KNOW ABOUT THAT HAVE EXPERIENCE  
SOMEFORM OF HARASSMENT WHILE EMPLOYED  
FOR THE LAWSON RODGING CO. INC. BEFORE I WAS  
FIRED LOCAL 40 TRIED CONTACTING ME SEVERAL  
TIMES BY LEAVING TELEPHONE MESSAGES ON  
ANSWERING MACHINE SAYING FIDERS DOWN  
TO LAWSON RODGING BECAUSE THEY NEEDED A  
FEMALE WORKER. BUSINESS AGENT STEVE TUCKER  
PRIOR KNOWLEDGE OF MY SIMILAR TROUBLED  
"EXPERIENCE" WITH THE COMPANY BEFORE LAWSON. WESTERN  
"RODGING" IN WHICH I MADE UN-COUNTLESS



STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION  
WORKERS' COMPENSATION APPEALS BOARD

STIPULATIONS WITH  
REQUEST FOR AWARD

Case No(s) SF 0503863

Social Security No. 570-17-0764

Tenicia Benjamin  
Applicant (Employee)

3023 Albany Ave # 104  
Address  
Driss, CA 95616

Lanson Roofing Co.  
Correct Name(s) of Employer(s)

1495 Tennessee ST  
Address(es)  
SF, CA 94107

CNA  
Correct Name(s) of Insurance Carrier(s) Claims Administrator(s)

POB 880670, SF, CA 94188  
Address(es)

The parties hereto stipulate to the issuance of an Award and/or Order, based upon the following facts, and waive the requirements of Labor Code Section 5313:

1. Tenicia Benjamin, born 5/22/68, while employed at San Francisco, CA as a(n) roofer, 380 H on 10/07/05 by Lanson Roofing whose compensation insurance carrier(s) was/were CNA sustained injury(ies) arising out of and in the course of employment to Low back

2. The injury(ies) caused temporary disability for the period(s) \_\_\_\_\_ through \_\_\_\_\_ for which indemnity has been paid at \$ \_\_\_\_\_ per week. 2(a). The injury(ies) caused additional temporary disability for the period \_\_\_\_\_ through \_\_\_\_\_ at the rate of \$ \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

3. The injury(ies) caused permanent disability of 17 %, for which indemnity is payable at \$ 220 per week beginning 8/18/06, in the sum of \$ 13,310., less credit for such payments previously made. And a life pension of \_\_\_\_\_ per week thereafter.

Labor Code §4658(d) adjustment: Increase rate to \_\_\_\_\_ as of \_\_\_\_\_. Decrease rate to \_\_\_\_\_ as of \_\_\_\_\_.  
Increase rate per 4658 to PD in sum of \$15,023.64  
Not applicable.

An informal rating has/has not (select one) been previously issued. DEU # 616722

Applicant/Employee: Tenicia Benjamin WCAB No(s). SFO 0503863

4. There is ~~is not~~ a need for medical treatment to cure or relieve from the effects of said injury(ies).

5. Medical-legal expenses and/or liens are payable by defendant as follows:

Defendant to pay med/legal expenses.

6. Applicant's attorney requests a fee of \$ 1802 Fees to be commuted as follows: far end

7. Liens against compensation are payable as follows:

EDD to be paid back in Full at TD (\$278.12)  
rate for period 4/2/06 - 8/17/06 +  
~~EDD to be paid back in Full at TD (\$278.12)~~  
~~rate for period 8/18/06 - 3/31/07~~  
in full satisfaction of lien.

8. Any accrued claims for Labor Code Section 5814 penalties are included in this settlement unless expressly excluded.

9. Other stipulations:

\$140.36 owed to App for difference btw TD rate &

EDD rate of (\$278.12 vs \$271)

Parties agree to adjust  
all medical bills for self-procured  
with jurisdiction reserves.  
Defendant to provide names of doctors in MPN if  
one exists by 10/17/07 or Applicant will choose her  
own.

Defendant to withhold from amount paid to EDD \$641.02  
to pay App Attorney fees.

Dated

Applicant

Attorney or Authorized Representative for Applicant

Address of Attorney or Authorized Representative

Attorney or Authorized Representative for Defendant

Address of Attorney or Authorized Representative

Interpreter

Applicant/Employee: TANICIA BENJAMINWCAB No(s). SFO 0503463**AWARD**

AWARD IS MADE in favor of TANICIA BENJAMIN against CNA of:  
 (entity legally obligated to pay the award)

(A) Additional temporary disability indemnity in accordance with paragraph 2(a) above,

(B) Permanent disability indemnity in accordance with paragraph 3 above,

Less the sum of \$ 1802, payable to applicant's attorney as the reasonable value of services rendered.  
 Fees are to be commuted pursuant to Paragraph 6.

(C) Liens in accordance with Paragraph 7 above,

(D) Further medical treatment in accordance with Paragraph 4 above,

(E) Reimbursement for medical-legal expenses in accordance with Paragraph 5 above,

(F) Stipulations in Paragraph 8 and 9 are approved.

(G) The matter is ordered off calendar / set for status/lien conference.

(H)

10/10/07

(Dated)


**Gene M. Lam**

WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE  
 WORKERS' COMPENSATION APPEALS BOARD

On 10/10/07, this document ☒ was personally served on all persons appearing at the hearing on said date, as set forth in the minutes of that hearing ☐ was personally served on

☐ was served by mail on all persons listed on the Official Address Record ☐ was served by mail on following party or parties:

By \_\_\_\_\_

**NOTICE TO:**

Pursuant to Rule 10500, you are designated to serve this document on all parties shown on the Official Address Record, together with a proof of service. You shall maintain this proof of service, which shall not be filed with the WCAB unless a dispute arises regarding service. A copy of the current Official Address Record accompanies this notice.

# Social Security Administration Retirement, Survivors and Disability Insurance

## Important Information

Office of Central Operations  
1500 Woodlawn Drive  
Baltimore, Maryland 21241-1500  
Date: January 2, 2008  
Claim Number: 570-17-0764HA

000252112 01 AT 0.334 T963 T2R M04,1226,PC7,N,BA,

TANICIA L BENJAMIN  
3023 ALBANY AVE  
APT 104  
DAVIS CA 95618-6139



We are changing the day we make your monthly payments. We are making this change because the information we use to decide the payment date on this claim has changed.

We must make payment on the third of the month to everyone entitled on a Social Security record whenever anyone on that record:

- receives Supplemental Security Income (SSI) payments, or-railroad retirement payments, or
- has income and/or resources considered when we determine whether an SSI claimant is eligible for benefits, or
- moves outside the U.S., or
- has Medicare premiums paid by the state, or
- has payments garnished.

### What We Will Pay And When

- You will receive \$639.00 for January 2008 around February 1, 2008.
- After that you will receive \$639.00 on or about the third of each month.



JS 44 (Rev. 12/07) (and rev 1-08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> <i>Teniz, Benjamin</i>	<b>DEFENDANTS</b> <i>Lewon Rofing</i>
<b>(b) County of Residence of First Listed Plaintiff</b> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>County of Residence of First Listed Defendant</b> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b>	<b>Attorneys (If Known)</b>

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)																
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%;"> <tr> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> <th style="text-align: left;">PTF</th> <th style="text-align: left;">DEF</th> </tr> <tr> <td>Citizen of This State <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State <input type="checkbox"/> 1</td> <td>Citizen of Another State <input type="checkbox"/> 4</td> <td>Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 2</td> <td>Citizen or Subject of a Foreign Country <input type="checkbox"/> 5</td> <td>Foreign Nation <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</td> <td>Foreign Nation <input type="checkbox"/> 3</td> <td>Citizen or Subject of a Foreign Country <input type="checkbox"/> 6</td> <td>Foreign Nation <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State <input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State <input type="checkbox"/> 1	Citizen of Another State <input type="checkbox"/> 4	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 4	Citizen of Another State <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 2	Citizen or Subject of a Foreign Country <input type="checkbox"/> 5	Foreign Nation <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 3	Citizen or Subject of a Foreign Country <input type="checkbox"/> 6	Foreign Nation <input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)																								
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <table style="width: 100%;"> <tr> <th style="text-align: left;">PERSONAL INJURY</th> <th style="text-align: left;">PERSONAL INJURY</th> </tr> <tr> <td><input type="checkbox"/> 310 Airplane</td> <td><input type="checkbox"/> 362 Personal Injury—Med. Malpractice</td> </tr> <tr> <td><input type="checkbox"/> 315 Airplane Product Liability</td> <td><input type="checkbox"/> 365 Personal Injury—Product Liability</td> </tr> <tr> <td><input type="checkbox"/> 320 Assault, Libel &amp; Slander</td> <td><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</td> </tr> <tr> <td><input type="checkbox"/> 330 Federal Employers' Liability</td> <td><b>PERSONAL PROPERTY</b></td> </tr> <tr> <td><input type="checkbox"/> 340 Marine</td> <td><input type="checkbox"/> 370 Other Fraud</td> </tr> <tr> <td><input type="checkbox"/> 345 Marine Product Liability</td> <td><input type="checkbox"/> 371 Truth in Lending</td> </tr> <tr> <td><input type="checkbox"/> 350 Motor Vehicle</td> <td><input type="checkbox"/> 380 Other Personal Property Damage</td> </tr> <tr> <td><input type="checkbox"/> 355 Motor Vehicle Product Liability</td> <td><input type="checkbox"/> 385 Property Damage Product Liability</td> </tr> <tr> <td><input type="checkbox"/> 360 Other Personal Injury</td> <td></td> </tr> </table>	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 360 Other Personal Injury		<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
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<b>V. ORIGIN</b> (Place an "X" in One Box Only)	Transferred from
<input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Judge from Magistrate Judgment

<b>VI. CAUSE OF ACTION</b>	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  Brief description of cause:
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<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b>	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b>	PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".
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<b>IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)</b>	<input type="checkbox"/> SAN FRANCISCO/OAKLAND <input type="checkbox"/> SAN JOSE
DATE	SIGNATURE OF ATTORNEY OF RECORD